



Dealing with Faith and Belief Based Differences, Disputes or Conflicts

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Spiritual, Moral, Social and Cultural Guidance: Dealing with Faith and Belief Based Differences, Disputes or Conflict

1. Background

- 1.1. Over the course of the past forty years there has been a significant increase in the number of explicit differences of opinion between one area of equalities and another. These have either been ones relating to legally recognised areas of inequality, e.g. race and gender, or recognised inequalities and other areas of social justice, e.g. race and childcare, or care for the elderly. These differences have been expressed in varying degrees of intensity from disagreements, through to disputes and full blown conflicts, usually, in the latter case, via a formally lodged claim requiring a legal resolution.
- 1.2. With the advent of the Equality Act, 2010, and its explicit recognition of nine protected characteristics, the potential for claims and/or counter-claims between differing strands is potentially large. Whilst the Equality and Human Rights Commission (EHRC) downplays this, others do not agree. Case law shows that claims and counter claims relating to the differing protected characteristics are increasing.
- 1.3. In practice the majority of both legal cases and institutional differences to date involve the strands of religion and sexuality. Evidence from the recent evaluation of the LSIS Spiritual, Moral, Social and Cultural (SMSC) Guidance for the Learning and Skills sector is consistent with this trend. Learning providers that reported conflicts between protected characteristics all cited differences between claims for religious belief and claims involving sexuality. (Adams and Adams, 2012)
- 1.4. Responses to such disputes must be set within the requirements of the Equalities Act which requires a “belief” to
 - be genuinely held
 - be a belief and not an opinion or viewpoint, based on the present state of information available
 - be a belief as to a weighty and substantial aspect of human life and behaviour

- attain a certain level of cogency, seriousness, cohesion and importance
- be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others.

1.5. In this context beliefs are therefore not necessarily “religious” or “theistic”.

1.6. The Equalities Act also requires outcomes which recognise equally the value of all protected characteristics and do not give preference to the claims of one characteristic over another.

1.7. Ideally interventions to resolve differing claims across protected characteristics should be undertaken before positions become entrenched in a “conflict” and while there is still hope of resolving a “dispute”.

1.8. Possible over-arching frameworks for achieving appropriate resolutions to intra-strand disputes may include the following:

1.9. Recognition

- this involves securing the self-confidence, self-esteem and self-respect of all individuals and the development of mutual recognition, including both personal relationships and institutional values that uphold the worth of all members of a community through respect, autonomy and shared values. Recognition grounds the two approaches outlined below.

1.10. Human Rights

- many of the inequalities recognised in law as being unlawful, have their antecedents in the universal treaties on human rights enacted after the Second World War. Broadly these can be categorised as either ‘freedom from’ ones, e.g. freedom from race discrimination, or ‘freedom to’ types, e.g. freedom to practise religion. Human rights can be defined as ‘those rights that all human beings have by virtue of being human’. If denial of “freedoms” is against the law, then there is a consequent requirement for recognition and responses that include structures and processes for enforcement. In practice however using human rights as the over-arching framework may thus increase the likelihood of recourse to the law being the first line of action. This is not necessarily the best scenario at the institutional level.

1.11. *Dignity*

- this approach seeks to situate human rights and equalities within a ‘dignity’ context. (See Appendix 2) The notion of ‘dignity’ is related to rights. The Universal Declaration of Human Rights begins with the following: “All human beings are born free and equal in dignity and rights.” (with an). ‘innate worth that cannot be traded off against other ends’ The concept of ‘dignity’ as a standard for the protection of rights can thus facilitate evaluation of what is required in a given dispute situation in order for there to be mutual, equal respect. Here again there is a link with ‘recognition’ because self-esteem, self-confidence, and self-respect are all core components of dignity. This approach requires the participation of all those affected, and involves practices aimed at consensus making, e.g. discussions, negotiations, which may be more appropriate strategies for dispute resolution within institutions.

2. What are the Practical Implications for the Learning and Skills Sector?

2.1. General Principles

2.1.1. If, for public sector institutions, like those in the learning and skills sector, a ‘dignity’ approach provides an appropriate over-arching strategy for testing or trying to resolve claims from different equality strands, and one that is better suited to the below the conflict horizon level of disagreements and disputes, then its implementation should also embrace the following principles:

- any claim for recognition from within an equality strand cannot be recognised if in the process of either making or enacting that claim it, disadvantages another equality strand. Equal, mutual respect is indivisible
- cultures, whatever their main influence, such as religion, are never static. They are always changing and ultimately human constructions – from which individuals have the right of exit should they wish to do so.
- expectations of appropriate behaviour, or conduct, should be emphasised in an organisation’s principles and policies. Values, beliefs on, or attitudes to, equalities are up to individuals, but become the legitimate concern of the organisation if they are translated into

inappropriate behaviour or conduct towards others within the scope of the organisation's functions and responsibilities. Establishing this baseline within a dignity approach should provide the framework for resolving intra-equality strand disputes

- 'recognition' and 'dignity' require the active involvement of relevant stakeholders, particularly those who lay claim to one or more of the protected characteristics. Engagement, accountability and communications are the key actions for seeking resolution to competing claims. This is more than just good management. It requires whole organisation ownership and the development of a level of openness and communication skills marked by reflective self-confidence, self-esteem and self-respect by all relevant stakeholders as the basis for mutual respect.

2.2. Embedding Dignity

2.2.1. To support the above principles we would recommend the following operational activities:

- develop a policy on dignity and use it to frame the equalities' commitment of the institution. (See Appendix 2 for a local authority example of this)
- ensure that staff and students sign up to it as, respectively, conditions of employment, and study at the institution
- ensure that the policy is publicised properly throughout the institution;
- ensure its discussion is included in SMSC education provision for students
- include it in partnership and procurement requirements
- emphasise that the organisation expects appropriate conduct and behaviour from staff and learners, as well as from those with whom the institution has external relations.
- establish clear management responsibility and accountability for these activities.

2.3. Whole Organisation Approach to Equalities

- 2.3.1. A whole organisation culture, in which equalities is embedded throughout all an organisation's activities, would undoubtedly assist strategies to respond to intra-equality strands' differences that might escalate into disagreements or disputes. As the recent evaluation of the LSIS SMSC guidance demonstrates, those institutions which embed their equality intentions in their overall strategic vision are also those most likely to ensure that equalities, and SMSC issues in particular, are explicitly reflected in other key aspects of their responsibilities.
- 2.3.2. Such a comprehensive approach might cover governance, management, employment, services, teaching and learning, procurement, and partnership, and involve stakeholders including governors, managers, staff, learners, communities, partners, and contractors. Dialogue, engagement, and accountability would figure prominently in all these relationships.

2.4. Support for Staff and Learners

2.5. Engagement and Dialogue

- 2.5.1. The LSIS SMSC guidance has highlighted the importance of providing learners with opportunities to discuss controversial issues and thereby develop their understanding of moral and cultural issues, including those surrounding faith and belief, and the skills necessary to engage with conflicting opinions constructively and respectfully. These opportunities are an essential element in the development of a cohesive learning community and the preparation of learners for future roles as effective members of communities, citizens and employees (LSIS, 2010). Thus, for example, an engagement programme centred on an institution's development and implementation of a 'dignity' policy would help ensure that the baseline for mutual respect and recognition is understood and accepted by all learners.

2.6. Training for Staff

2.6.1. Responses from learning providers gathered during the recent evaluation of the LSIS SMSC guidance raised concerns that the provision of SMSC education was inhibited by a lack of staff training and training resources. While it is appropriate for each provider to devise training and support appropriate to their local circumstances, the broad outlines of a training programme to address equalities and SMSC issues might include:

- training for all staff to ensure awareness of the organisation's approach, policies and procedures for equality and diversity
- training for teaching staff on the importance of the SMSC agenda and the facilitation skills necessary to manage student discussion of controversial issues. (Guidance on facilitating student discussion has recently been published by LSIS and fbfe, "Challenging Voices", 2012)
- Training for specialist staff, so that they are a resource for others to draw upon, might include the following areas of knowledge and skills;
- the Equality Act 2010, and the various sub-sectors relating to the detail of its development and implementation, including engagement
- the protected characteristics, their histories and interpretations
- dealing with equality strands' differences, disagreements, disputes or conflicts
- the knowledge and skills to deal with those who act as the legislative gatekeepers to any religion or culture, especially if this entails their representation, or misrepresentation of dimensions, such as sexuality and gender.
- dispute/conflict resolution involving intra-equality strands

2.6.2. In the event of specific inter-equality strand conflict it is also important for staff to be able to draw upon specialist knowledge or mediation skills that might be available either through the organisation's pastoral or chaplaincy services, or from outside agencies.

3. An Aide Memoir - Dealing with Differences between Various Equality Strands

3.1. Out of the three phases of differences identified earlier – disagreement, dispute, conflict – it is during the first two that the possibilities of a resolution are greatest. Ensuring the resolution of equality intra-strand disagreements, disputes or conflicts, once they begin to occur, might turn on the answers to the following questions, which in themselves are not exhaustive but merely serve as an outline of what could possibly be done.

- When an issue occurs, can the responsible manager talk these through with the relevant parties?
- If not, are there support resources that can be called upon quickly?
- Does this help include relevant sources of knowledge and expertise?
- Are all the relevant stakeholders to the emerging event involved? If not, can the barriers to full participation be overcome?
- Is there additional support available for all parties involved? For example pastoral support, human resources, equality specialists, mediators.
- Are there conditions emerging for arriving at an acceptable consensus or compromise? If not, is this best handled by an external mediator?
- Are all concerned clear about the institution's core principles and policy on equality? If not, can more time be built into the processes for disagreement resolution?
- If the issues are still not resolvable, does the responsible manager know the formal avenues open to the institution?
- If the issues are still not resolvable, are the main instigators of the disagreement or dispute aware of the formal avenues open to them?

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Appendix 1: Potential Equality Intra-Strand Conflicts

	Race	Gender	Disability	Faith and belief	Sexuality	Transgender	Age	Marital/partnership status	Pregnancy and maternity leave
Race	Ethnicity as basis for excluding others; colour coded hierarchy of oppression	Race/Ethnicity/cultural mores seen as legitimating gender discrimination, oppression Gender bases for race discrimination because gender seen as greater oppression	Race/Ethnicity/cultural mores seen as legitimating disability discrimination, oppression Disability bases for race discrimination because disability seen as greater oppression	F and B as bases for race discrimination Racialisation of religion/faith Race bases for F and B discrimination because racism seen as greater oppression	Race/Ethnicity/cultural mores seen as legitimating sexuality discrimination, oppression Sexuality bases for race discrimination because sexuality seen as greater oppression	Race/Ethnicity/cultural mores seen as legitimating transgender discrimination, oppression Transgender bases for race discrimination because transgender seen as greater oppression	Race/Ethnicity/cultural mores seen as legitimating age discrimination, oppression Age bases for race discrimination because age as greater oppression	Race/Ethnicity/cultural mores seen as legitimating M/PS discrimination, oppression M/PS for race discrimination because M/PS seen as greater oppression	Race/Ethnicity/cultural mores seen as legitimating P/ML discrimination, oppression P/ML bases for race discrimination because M/PL seen as greater oppression

Gender	Race/Ethnicity/cultural mores seen as legitimating sexism	Hierarchy of gender as basis for unjustified prioritisation of one gender	Gender bases to disablism Disability bases for sex discrimination because disability seen as greater oppression	F and b as bases for sex discrimination F and b or gender seen as higher in hierarchy of oppression and therefore one or other justifies discrimination against other	Gender seen as legitimating sexuality discrimination, oppression Sexuality bases for sex discrimination because sexuality as greater oppression	on Gender seen as legitimating transgender discrimination, oppression Sexuality bases for sex discrimination because transgender seen as greater oppression	Gender seen as legitimating age discrimination, oppression Age bases for sex discrimination because age seen as greater oppression	Gender seen as legitimating M/PS discrimination, oppression M/PS bases for sex discrimination because M/PS seen as greater oppression	Gender seen as legitimating P/ML discrimination, oppression P/ML bases for sex discrimination because P/ML as greater oppression
Disability	Race/Ethnicity/cultural mores seen as legitimating disability discrimination, oppression	Gender bases to disablism	Hierarchy of disability as bases for unjustified priority list of disability	Ethnicity/cultural mores seen as legitimating disability discrimination, oppression F and B values seen	Disability seen as legitimating sexuality discrimination, oppression Sexuality bases for				

				as bases for disability discrimination	disability discrimination because sexuality as greater oppression				
Faith and belief	Racialisation of religions as bases for exclusion	F & B seen as grounds for legitimating sexism Gender bases for F and B discrimination because gender seen as greater oppression	F and B values as bases for discrimination against disabled Disability bases for F and B discrimination because disability seen as greater oppression	Created hierarchy of religions; f and b based discrimination against agnosticism and/or atheism and/or humanism Non-belief as basis for discrimination against f and b	Faith and belief seen as legitimating sexuality discrimination, oppression Sexuality bases for faith and belief discrimination because sexuality as greater oppression				
Sexuality	Ethnicity/cultural mores seen as legitimating homophobia	Gender assertions seen as grounds for legitimating homophobia	Sexuality bases for disability discrimination because sexuality seen as greater oppression Disability bases	F and b as bases for sexuality discrimination; Sexuality as basis for f and b					

			for sexuality discrimination because disability seen as greater oppression	discrimination					
Transgender	Ethnicity/cultural mores seen as legitimating homophobia	Gender assertions seen as grounds for legitimating transgender-phobia	Transgender bases for disability discrimination because transgender seen as greater oppression Disability bases for transgender discrimination because disability seen as greater oppression	F and b as bases for transgender discrimination; Transgender as basis for f and b discrimination	Transgender seen as legitimating sexuality discrimination, oppression Sexuality bases for transgender discrimination because sexuality as greater oppression				
Age	Racist stereotyping	Sexist stereotyping	Disablist stereotyping	F and b as bases for age discrimination	Age seen as legitimating sexuality discrimination, oppression Sexuality bases for age				

					discrimination because sexuality as greater oppression				
Marital/partnership status	Race/Ethnicity/cultural mores seen as legitimating exclusion of outsider partners; race/ethnicity/cultural mores seen as legitimating opposition to partnerships	Gender as basis for exclusionary practices	Marital status bases for disability discrimination because marital status seen as greater oppression Disability bases for marital status discrimination because disability seen as greater oppression Marital status as basis for disability discrimination	F and B seen as legitimating M/PS discrimination, oppression M/PS bases for F and B discrimination because M/PS seen as greater oppression	Marital/partnership status seen as legitimating sexuality discrimination, oppression Sexuality bases for M/P status discrimination because sexuality as greater oppression				
Pregnancy and maternity leave	Race/Ethnicity/cultural mores seen as legitimating P/ML discrimination, oppression P/ML bases for race discrimination	Gender as basis for denial of rights	Disability as basis for denial of rights	F and B seen as legitimating P/ML discrimination, oppression P/ML bases	P/ML seen as legitimating sexuality discrimination, oppression				

	because P/ML seen as greater oppression			for F and B discrimination because P/ML seen as greater oppression	Sexuality bases for P/ML discrimination because sexuality as greater oppression				

Appendix 2: Example of a Dignity Policy

Dignity for all

Islington Council's Equality and Diversity Policy

Our Values and Priorities

The council's over-arching vision is to make Islington a fairer place by cutting the number of people living in poverty, narrowing the gap between rich and poor and making a difference to the lives of those who most need our help.

A clear commitment to equality and diversity is embedded throughout our stated

corporate commitment to deliver a fairer Islington. Our corporate values are an integral part of this. They state that as an organisation:

- We put serving the public first
- We are open honest and fair
- We respect all people and communities

These values inform everything that we do to improve the quality of life for people living, working and studying in the borough.

The council has identified six key priorities that support our vision of making Islington fairer and that we are focusing on as an organisation. These are:

- decent, suitable and affordable homes
- lower crime and anti-social behaviour
- cycle of poverty broken
- best start in life for all children
- healthy, active and independent lives
- delivering basic services efficiently and well

Our commitment to equality

As an employer and service provider, Islington Council is committed to eliminating discrimination and valuing diversity in all of our activities. We also recognise our community leadership role and will use this opportunity to promote our commitment to equality, diversity, community cohesion and fairness.

We will monitor and address unequal outcomes for different equality groups (including socio-economic status) in the six priority areas and ensure that the over-arching values of fairness and equality are integrated throughout our work.

Islington Council will ensure that Islington staff, residents and service users are treated equally, with dignity and respect, regardless of age; disability; race (including ethnic origin, colour, nationality and national origin); sexual orientation; sex/gender; religion and belief (including philosophical belief) gender reassignment; marriage and civil partnership; pregnancy and maternity (the nine characteristics protected by the Equality Act 2010).

In addition to these 'protected characteristics' we will ensure that socio-economic status will also be taken into consideration when carrying out our work.

Diverse Population

One of Islington's strengths is its diverse population. Of the 200,000 residents of the borough, just over a quarter are from black and minority ethnic backgrounds and 70% of the total school population are from backgrounds other than White British. Approximately 10% of residents are of first generation refugee origin. Just over half of Islington residents declare themselves to be adherents of the Christian religion, while just over one third claim either no religious belief or make no statement regarding religion. After Christianity, the most commonly practiced religion is Islam, adhered to by over 8% of the resident population.

Around 17% of the population define themselves as disabled and Islington is estimated to have one of the highest percentages of Lesbian, Gay, Bisexual and Transgender (LGBT) residents of all London boroughs.

There is an unusually large proportion of young adults (when compared to the rest of London and England), but fewer older people and fewer school-aged children.

Approximately 21% of the population are aged 0-19 and 9% are aged over 65

Islington has high levels of income inequality. 15% of households have an income of less than £15,000 and just under half have an income of under £30,000. 1 in 6 households in the borough have an income of over £60,000. 43% of children in Islington live in poverty, which equates to 18,000 children and is the second highest in London.

Legal duties

Our commitments are supported by a number of legal duties that require us to promote equality and eliminate discrimination. The Equality Act 2010 harmonises and replaces previous discrimination legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995). Under the Equality Act there are nine different characteristics, which are listed above, that are protected from discrimination. Islington is also bound by the 'public sector equality duty' which requires us to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

Policy into Practice

The Council will engage in a range of activities in order to translate our commitment to Equality and Diversity into practice and to meet our legal duties. These activities are laid out in detail in our Corporate Equality Scheme which is supplemented by the individual Equality Schemes for Race, Gender, Disability, Sexual Orientation and Religion and Belief.

As a community leader we will:

- Promote good relations between communities in our communications and address negative stereotyping of any groups.
- Organise and support a range of equality and diversity events throughout the year to promote understanding and awareness and foster community cohesion

As a community leader we will:

- Encourage councillors and senior managers to demonstrate personal leadership in equalities.
- Work with our key partners in the borough to

implement the Charter for Fairness and Equality (a statement of principles which has been agreed by the Islington Partnership Board).

As a service provider we will:

- Deliver services that are accessible to all and that are tailored to the diverse and individual needs of our community.
- Obtain up to date equality information and data on Islington residents and use it intelligently to inform priorities and policies.
- Ensure that equality is embedded in our procurement process by monitoring the policies and practices of our suppliers.
- Consult and engage all groups in our community and ensure that feedback from residents, particularly those from marginalised or disadvantaged groups, is reflected in our work.
- Ensure that all residents have equal opportunity to participate in the democratic process.
- Monitor and respond to outcomes for all equality groups (including socioeconomic status) in each of the Council's priority areas of work.
- Continue to use Equality Impact Assessments when introducing any new policies practices and functions.

As an employer we will:

- Reflect the diverse nature of the borough in our workforce.
- Continue to review and develop all of our human resources policies and practices (including recruitment, retention, learning and development, promotion, grievance, disciplinary and retirement) to ensure that these are inclusive and accessible for all staff with 'protected characteristics'.
- Provide managers with the necessary training and support to manage a diverse workforce.

- Address any bullying and harassment in the workplace relating to any of the 'protected characteristics'.
- ☐ Continue to use Equality Impact Assessments when introducing any new policies practices and functions in the workplace (including restructures and organisational change).