



DIVERSITY REVIEW POLICY AND LEGISLATION FOR PROVIDERS

JULY 2005

This review of the policy and legislation provides a useful context for understanding the Diversity Review which was in response to the Rural White Paper (2000) commitment by Defra:

“By 2005, we will carry out a full diversity review of how we can encourage more people with disabilities, more people from ethnic minorities, more people from the inner cities, and more young people to visit the countryside and participate in country activities. Initially we will do this by seeking their views on what they need to enjoy the countryside. Then we will draw up a plan of action.”

The review was carried out as part of the research into the awareness held by outdoor access providers of the needs of people from under-represented groups. It provides a framework for both that and sister research into the needs and perceptions of under-represented people.



Diversity Review

Legislative and Policy Context

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Introduction

This review was carried out as part of the research into the awareness held by outdoor access providers of the needs of people from under-represented groups. The research, and sister research into the needs and perceptions of under-represented people, is in response to the Rural White Paper (2000) commitment by Defra:

“By 2005, we will carry out a full diversity review of how we can encourage more people with disabilities, more people from ethnic minorities, more people from the inner cities, and more young people to visit the countryside and participate in country activities. Initially we will do this by seeking their views on what they need to enjoy the countryside. Then we will draw up a plan of action.”

The report covers the policy and legislative context for the Diversity Review and provides a useful context for understanding the framework within which the two separate research projects were undertaken: into the needs of under-represented groups and the attitudes of countryside service providers to them.

This report is presented in the following sections:

- Under-representation in outdoor recreation
- Policy context for human rights and equality
- Relevant existing policy
- Observations to be taken forward into the Diversity Action Plan.

This report is a snapshot in time and as up to date as possible at time of publication in June 2005. It is seen as part of an on-going process and as such, one of its functions is to highlight areas in which further research, monitoring or other action is required. Each section therefore provides some provoking comment as a context for setting out implications for the more detailed Diversity Review and Action Plan.

The report has taken on board the findings of the Countryside Agency scoping study (OPENspace, 2003) which incorporated an extensive review of literature focusing on the evidence for under-representation¹; the relationship between enjoying the countryside and green space and social exclusion²; strategies for combating under-representation; and the potential role of the countryside in addressing social exclusion.

¹ Under-representation in the context of the Diversity Review is the ratio of the participation of a specific group in a certain activity to the proportion of that group in the background population as a whole.

² Social Exclusion, as defined by the Social Exclusion Unit, happens when people or places suffer from a series of problems such as unemployment, discrimination, poor skills, low incomes, poor housing, high crime, ill health and family breakdown. When such problems combine they can create a vicious cycle'

It is important to note that the OPENspace report identified that there is:

“...no consistent, universal terminology which adequately defines the composite characteristics of specific under-represented groups.”

For the purposes of this review, however, under-represented groups using and accessing the countryside have been identified as:

- Elderly people
- Disabled people
- People from black and minority ethnic groups
- People with low incomes
- People from inner cities
- Women
- Young people

Whilst it is recognised that it is possible to be a member of more than one and possibly many of these groups concurrently, these broad distinctions have been drawn in assessing the context of current policies, strategies and projects. However it is important to note that although these groups have been identified as under-represented, it cannot be directly inferred that these groups are excluded from countryside activities and access or that they are not currently visiting and enjoying the countryside.

Although many definitions exist, it is nonetheless important to distinguish between diversity and equality. The diversity agenda broadly relates to the recognition, value and respect of individual and community difference. This may be on the grounds of personal characteristics, ideology, belief, faith etc. This may also be in any context - provision of and access to services, employment, education, etc. The promotion of diversity is generally regarded as bringing benefits to organisations, individuals and their communities.

The linked concept of equality tends to be understood in a more legalistic light. It relates to status, rights and opportunities. Although it may be applied to groups and communities, it is predominantly seen as relating to individuals. As such, it addresses imbalances or inequalities of power in society, especially through a range of structures - that is, again, through provision and access of services, employment, education etc. The clear link comes through an acknowledgement that it is the difficulty that structures have with managing difference which may lead to inequality. Therefore, by addressing equality issues, one is inescapably faced with diversity.

Social justice has a longer historical development and can be seen as more of an overarching concept - one which captures both equality and diversity and, indeed, a number of other concepts such as inclusivity, human rights, citizenship and partnership. It is often critically related to the fairness of society, and has moral, social and political connotations. Fairness in relation to equal access to services, unbiased through an acknowledgement and respect for diversity, for example, may contribute towards a socially just outcome.

Chapter 1: Under- representation in outdoor recreation

It is widely recognised that participation in outdoor recreation, in the countryside and in urban areas, is not evenly spread amongst the population of England. Many surveys and studies have shown that participation in outdoor recreation activities is dominated by white, middle aged, middle class people (UK Day Visits Survey, 1998). In contrast, other social groups do not participate as frequently, if at all, in outdoor recreation. Studies have suggested that the main reason for this is a lack of interest, compounded by factors such as low income and mobility (Curry and Ravenscroft, 2001).

However, for some this non-participation signals exclusion rather than disinterest (Slee, et al, 2001; Woolley and Amin, 1999; Ravenscroft and Markwell, 2000; Centre for Leisure and Sport Research, 2002). The qualitative research carried out by Ethnos for the Countryside Agency as a companion to the research into the awareness of providers, directly addresses these issues.

Demographic profiles show them to be mostly white, usually aged 35-54 with a relatively high income (social groups A, B and C1) and who travel by car (State of the Countryside Report 2005).

The following box describes the proportion of people in the under-represented groups considered in the research.

- **20% - 1 in 5 - adults are disabled in some way in England**
(Department for Work and Pensions 2004)
- **1.5% - less than 1 in 50 - children are disabled in some way in England**
(Department for Work and Pensions 2004)
- **9.6% - 1 in 11- people are from black and minority ethnic backgrounds in England** (Office for National Statistics, 2001 Census)
- **20% - 1 in 5 people - are aged 8-24 in England**
(Office for National Statistics, 2001 Census)

The population of England is 49.1million (Office for National Statistics, 2001 Census) and 80% of the population live in urban areas.

1.1 Exclusion

‘Social exclusion happens when people or places suffer from a series of problems such as unemployment, discrimination, poor skills, low incomes, poor housing, high crime, ill health and family breakdown. When such problems combine they can create a vicious cycle’. Social Exclusion Unit (2005)

Severe or absolute forms of exclusion affect a small proportion of the population. However, the Social Exclusion Unit (2001) estimates that as many as 10 per cent of the population ‘suffer significant problems’. While social exclusion can happen to anyone, certain groups have been identified that suffer a particularly high incidence of exclusion. These groups include:

- Young people in low income (often inner city) households, with family conflict or growing up in care
- People who do not work, attend school or otherwise engage in work-related learning
- People from black and minority ethnic backgrounds
- Disabled people
- Older people without carers

This list is consistent with the principal social groups that are largely absent from the countryside (Council for National Parks, 2003), although there is evidence that young people and those from minority ethnic backgrounds do make good use of urban open spaces close to their homes (Woolley and Amin, 1999; Ravenscroft and Markwell, 2000), they are more likely to be under-represented in their participation in outdoor recreation.

As a result, under-representation and social exclusion are relative and absolute concepts. In relative terms, certain social groups consistently make more use of open space than their representation in the population would suggest. With respect to the countryside and natural areas adjacent to towns, these are characterised in a paper to the Countryside Agency Board as 'able-bodied, car owners, aged between 35 and 64, from socio-economic groups A-C1' (Worth, 2004). In contrast, other groups may not only be under-represented, but may be largely absent from these spaces. Similarly in urban areas, while access to open spaces by young people and those from black minority ethnic backgrounds may be greater in proportional terms, this access tends to be limited to informal and poor quality spaces close to home, rather than major parks and natural areas (Ravenscroft and Markwell, 2000).

The growing awareness of the extent to which people can be excluded from outdoor recreation has been matched by a series of new initiatives seeking to address the problem. For example, recognising that many people are excluded from its properties, as well as from becoming members of its staff, English Heritage has made a major commitment to tackling social exclusion, both among its staff and visitors to its properties. As a result, it has published a statement of social inclusion goals (Figure 1.1). As the statement articulates, English Heritage's commitment is not only to try to prevent people from being excluded on personal grounds (race, ethnicity, disability), but to take positive steps to encourage all people to visit its properties and to promote greater cultural diversity within its staff..

“English Heritage values and appreciates the full worth of ALL individuals who work for it and those with whom it comes into contact during the course of its work. Staff are expected to treat each other, and everyone they come into contact with, in a respectful and courteous way. English Heritage promotes an environment where honesty and integrity are obvious in all dealings. Open and frank exchanges of views and trust are encouraged.

English Heritage will:

- develop programmes of action which promote cultural diversity in the make-up of English Heritage and which challenge all aspects of institutional discrimination;

- identify projects and partnerships which increase access to the historic environment, particularly to those traditionally left out of cultural activities, physically, intellectually and financially

- research ways of delivering a more inclusive past and promote educational opportunities to acknowledge, respect and celebrate the cultural diversity of England's heritage in all our activities.

Our goals are:

- to increase access to the historic environment, particularly to those traditionally left out of cultural activities, physically, intellectually and financially;

- to acknowledge, respect and celebrate the cultural diversity of England's heritage in all our activities;

- to improve access to the historic environment for people with disabilities;

- to articulate a more inclusive past and promote educational opportunities;

- to promote cultural diversity internally within English Heritage and develop programmes to combat institutional discrimination.”

Figure 1.1: English Heritage statement of social inclusion goals

The Department for Environment, Food and Rural Affairs (Defra) has established a Sustainable Development Fund for the National Park Authorities to encourage initiatives that support new people to visit and appreciate the National Parks. In a speech to the Association of National Park Authorities Conference, the Minister for Rural Affairs commented on the creative use and success of the Fund, and said that:

“... I intend this [the Fund] to continue for the next three years and I hope you [the National Park Authorities] will continue with the innovation and lateral thinking that characterises this work, with a focus on the ideal application – one that comes jointly from young people within the park and from young people in an urban area, opening up an understanding both of sustainable development and the true value of the National Park ...” (Alun Michael, 2004: p.7).

In its paper prepared for the 2003 World Parks Congress, the Council for National Parks (2003) claimed that there has always been a close relationship in the UK between town and country, with a ‘built-in assumption’ that people need the protected places and the protected places need people. However, this connection has been eroded largely due to the increasingly negative impacts of major conurbations, and the increasingly mobile, affluent and culturally diverse population that inhabits them with minimal experience of access. The result of this, argues the Council for National Parks, is that some of the people who would most benefit from access to protected areas are those least able to visit or use them:

“Much of the UK’s landscape is beautiful, but it has not always been accessible to those who most need the benefits that it can bring. Too often its enjoyment has been denied to the less privileged sections of society.” (Council for National Parks, 2003: p. 18).

For English Heritage, Defra and many other agencies, social exclusion (and by definition policy initiatives to address it) is very much about people being prevented from participating in specific social activities. While some work on prevention refers to ‘barriers to participation’, it is more commonly understood as constraints that operate to effectively exclude some people while including others (see Ravenscroft and Curry, 2004).

It should be noted that some providers in rural areas, who are addressing the diversity agenda in relation to service delivery, may bring to light community tensions during their attempts to be more inclusive. (ODPM Report on ‘Equality and diversity in local government in England’, 2003b).

1.2 Key constraints to participation

The varying levels of access to and use of open spaces, in both urban and rural areas, is a reflection of how different groups experience constraints. Most recreation service providers can identify limitations to participants such as work and family commitments, lack of information and awareness, shortage of money, and mobility and other impairments.

It’s also increasingly clear that even when physical constraints have been overcome, cultural factors still prevent people from visiting open spaces. However, the assumption is often made that constraints are perceived and experienced individually and separately, such that a set of single item ‘barriers’ are thought to influence participation levels.

Previous research has identified eleven factors affecting people's participation in countryside recreational activities, and which may contribute to exclusion and result in under-representation:

- Financial costs
- Lack of time
- Lack of appropriate activities
- Lack of awareness
- Physical difficulty of access
- Lack of confidence and negative perceptions of the environment
- Lack of (appropriate) interpretative information
- Concern over route-finding
- A neglected or poorly maintained environment
- Negative feelings associated with previous experience of the countryside
- Lack of (accessible) transport

In addition, it was evident from the scoping study (OPENspace2003) that under-represented groups also have further, individual reasons for exclusion, such as the perception of the countryside being a 'white' environment, or where there was uncertainty about appropriate activities and access.

For people from black minority ethnic groups, barriers to using the countryside specific to this group include:

- Cultural disposition (Floyd, 2001; Brown et al, 1998; Agyeman and Spooner, 1997; Agyeman, 1990)
- A sense of alienation (Floyd, 2001; Macnaghten et al, 1998; Halfacree, 1996; Guibernet, 1996)
- Absence of members of own community (Slee et al, 2002; Yesson, 1999)
- Inappropriate/unattractive activities (Floyd, 2001; Dhalech, 1999)
- Experiencing (or fear of experiencing) racism (Slee et al, 2002; Floyd, 2001; Rishbeth 2001)
- Fears for personal safety (Ling Wong, 2001; Rishbeth, 2001; Woolley and Amin, 1995)
- Language barriers (Brown et al, 1998)
- Lack of single gender activity (Brown et al, 1998)
- Lack of role models (Brown et al, 1998)

For disabled people, group-specific barriers to visiting the countryside include:

- Poor quality of information (Chapman Consultancy, 2000)
- Physical difficulty of access (De Lurio, 2002; Fieldfare Trust, 1997)
- Poor public transport options (Chapman Consultancy, 2001)
- Previous experience of isolation (Murray, 2002)
- Lack of appropriate support (Murray, 2002)
- Absence of other disabled users (Murray, 2002)

Specific barriers for women visiting the countryside include:

- Non-specific anxieties (Burgess, 1998; Valentine, 1989)
- Fear of being alone in the natural environment (Macnaghten and Urry, 2000; Valentine, 1989)

For young people, group-specific barriers to using the countryside include:

- Lack of understanding of the countryside (Leisure Industries Research Centre, 2001)
- Drop in numbers of organised countryside activities (school or non-school based) (Rowe and Champion, 2000)
- Lack of appropriate/attractive activities (Floyd, 2001)
- Previous experience of uninspiring visits (Millward and Mostyn, 1997)

Barriers specific to elderly people using the countryside include:

- Unattractive or unsuitable activities (Morton and Owen, 1998)
- Need for accompanied activities (Morton and Owen, 1998)
- Anxiety towards safety (Ward Thompson et al, 2002)
- Anxiety over distance from assistance if needed (Ward Thompson et al, 2002)

For people on low incomes, group-specific barriers to visiting the countryside include:

- More pressing issues relating to poverty (BTCV, 2002)
- Domination of 'middle class' visitors (Walker and Kiecolt, 1995)
- Travel problems related to poverty (BTCV, 2002)

Themes which are consistent amongst these barriers to groups using the countryside are anxieties over safety; the idea that the countryside is for 'someone else', i.e. groups notice the lack of people like themselves and feel that they do not belong in that environment; and that some activities are inappropriate or unattractive for a specific group.

It is claimed that there is a lack of awareness amongst countryside service providers relating to what are appropriate activities to encourage the widest possible visitor ethnicity (Floyd, 2001; Dhalech, 1999). Indeed, it's likely that information on countryside activities and access may not stimulate people from the widest possible background. Instead, they promote existing activities, e.g. long-distance walking, which may not necessarily be attractive to a more diverse population, when promoted in traditional ways, and so result in under-representation. Likewise, the increase in popularity for 'extreme' or adventure sports is rarely reflected in the promotional material of the major countryside providers (e.g. the National Trust). In fact, quite the opposite is true, since they tend to promote traditional country pastimes and quiet un-intrusive enjoyment. It may be that for some organizations there is a conflict of interests between increasing the diversity of visitors and their existing image and/or visitor base.

Taking these findings further, in his recent book on countryside recreation site management, Keirle (2002) sets out the following table of barriers (Figure 1.2) faced by disabled people and other groups who are under-represented in countryside recreation and the outdoors.

Group Facing Barrier	Potential Barriers
People with physical disabilities	Physical access problems, including stiles, gates, bridges; Steep, rough or uneven paths; Distances; Shelter & rest points; Access to information; Confidence.
People with visual impairments	Rough or uneven paths; Access to information; Obstructions; Route finding; Confidence.
People with hearing impairments	Communication; Interaction with others; Confidence.
People with learning difficulties	Access to information; Understanding; Confidence.
The elderly	Physical access problems, including stiles, gates, bridges; Steep, rough or uneven paths; Distances; Shelter & rest points; Confidence.
Black and minority ethnic communities	Awareness; Language; Culture; Confidence.

Figure 1.2 Barriers faced to countryside access by under-represented groups Source: Keirle (2002)

Each of these constraints – individually or in tandem - may lead to an individual or a group becoming under-represented in, or experience exclusion from, particular spaces or activities. In addition, there is some evidence to suggest that past experience of constraint – particularly attitudinal – informs future use, such that constraints are experienced cumulatively, with a series of minor, but negative, experiences having a major impact on future activity levels (Ravenscroft and Curry, 2004). In contrast, some people who experience major constraints actively seek ways to negotiate their way around them (Kay and Jackson, 1991).

As a result, it is apparent that people's actions, and their use of open space, result from the extent to which they wish, and are able, to negotiate their way around constraints. Where it occurs, this negotiation takes two forms: behavioural and cognitive. Behavioural responses encompass a range of strategies for solving the problem – by creating more time (by doing fewer other activities), by reducing the cost of participation, or by finding suitable companions, for example. Cognitive responses, conversely, involve making judgements about how important participation is, through balancing constraints against motivations. Even in cases where the motivation is high, therefore, individuals or groups may still feel constrained and may, as a result, be under-represented in access to outdoor recreation.

Chapter 2: Policy context of human rights and equality

2.1 Summary

English citizens are protected under the Human Rights Act (1998) to ensure quality and diversity in public and social life. Social rights are based on the premise of ensuring that all citizens participate to the full in the social heritage of the country. Additionally, there are specific conventions and resolutions that safeguard the human rights of disadvantaged, vulnerable and excluded people. Children, women, all races, abilities and ages are identified as groups who must be especially catered for. The aim is to mainstream consciousness about issues related to under-representation, with a view to addressing people's perceptions and encouraging them to have a more positive view about their position in society.

In England there is an increasing emphasis on taking positive action to ensure human rights, with the expectation that local and public authorities will seek not only to safeguard existing rights, but also to expand standards and provision to improve the quality of life for all. At present, there are a number of government departments and organisations responsible for overseeing and administering the legislation and rights. Because of the complexity of this system, there has been little attempt to co-ordinate or dovetail legislation in ways that might make the system more universal and transparent. As a result, the constituent parts of the human rights agenda have tended to be considered separately, both at the legislative and policy and implementation levels. The introduction of the Commission for Equality and Human Rights is a positive step in addressing these problems, certainly in terms of providing a co-ordinated and broadly informed approach to supporting legislation and policy.

2.2 Human rights

At an international and European level, English citizens have enjoyed the protection of their basic human rights for the past 60 years, despite not having these rights enshrined in a national constitution. While featuring some differences of emphasis and interpretation, the United Nations Universal Declaration of Human Rights (1948) and the European Convention on Human Rights (Council of Europe, 1950) both seek to define and protect two central elements of rights – civil and political:

- The civil element is composed of the rights necessary for individual freedom – liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice.
- The political element is composed of the right to participate in an exercise of political power, as a member of a body invested with political authority or as an elector of such a body.

The Human Rights Act 1998 now allows all English citizens to protect these rights through the English courts, as well as through the European Court of Human Rights. Thus, while not giving English citizens any additional rights, the Human Rights Act 1998 signals a broad and significant commitment to equality and diversity in the public and social life of the country.

In addition, the United Nations Declaration and, to a lesser extent, the European Convention, refer to an additional set of rights, commonly referred to as social rights. Since codified in Article 13 of the EU Treaty of Amsterdam, these social rights are based on the premise of ensuring that all citizens participate to the full in the social heritage of the country, and live the life of a civilised being according to the standards prevailing in society.

Furthermore, the United Nations has passed a number of conventions and resolutions referring specifically to under-represented groups, many of which are the subject of this report. See Appendix 1 for further details.

Article 13 of the EU Treaty of Amsterdam, backed by UN conventions and resolutions, provides the European Commission with a legal basis for taking action to combat discrimination on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation. It has been made legally binding through the Employment and Race Directives, which have now been brought into English law in a number of amendment Acts and Regulations, commencing with the Sex Discrimination Act 1975 and the Race Relations Act 1976. This led, by the early 1980s, to most tiers of government operating equal opportunities policies, although there is some doubt about their effectiveness (ODPM, 2003a). This changed considerably by the 1990s, following the McPherson Report into institutional racism in the Police, the Disability Discrimination Act 1995 and the Race Relations (Amendment) Act 2000.

The promotion of universal human rights through a meaningful equality and diversity agenda are now central to Government policy, especially at the local level (DETR, 1998, 2001; ODPM, 2003a). This is particularly the case with the development of the Best Value under the current government, where local authorities can set diversity targets and reviews as a core part of their service delivery.

At a national level, the protection and promotion of basic human rights is now primarily the responsibility of three Commissions and one Unit, although as the Audit Commission (2004) report notes, anti-discrimination is increasingly central to the working of Government at all levels:

- The Equal Opportunities Commission (EOC) - employment, sex and age discrimination
- The Commission for Racial Equality (CRE) - race and ethnic discrimination
- The Disability Rights Commission (DRC) - disability discrimination
- The Women and Equality Unit of the Department of Trade and Industry - women's rights in the workplace and public life

As part of the wider review of equality and diversity (DTI, 2001; ODPM, 2002), the Equality Institutions Review (ODPM, 2003a) concluded that a single body represents the best option for developing the Government's agenda. The DTI White Paper of 12 May 2004 set out the working title (the Commission for Equality and Human Rights) and duties of the new body, identifying its core purpose in mainstreaming both equality and human rights in policy generation and implementation. A key area of policy in this respect is co-ordinating measures to tackle social exclusion. This is consistent with the broader modernisation of government, including the promotion of a meaningful equality and diversity agenda (Morgan, 2003), where the emphasis is on the need for democratic accountability, community cohesion and civic renewal (ODPM, 2001). Consultation on the Commission for Equality and Human Rights commenced in February 2005 with a Regulatory Impact Assessment.

2.3 Equal opportunities

Article 13 of the Treaty of Amsterdam is the basis of all equal opportunities policy and legislation. The primary English legislation relating to Article 13 is the Sex Discrimination Act 1975, which prohibits direct and indirect sex discrimination against individuals in the areas of employment, education and the provision of goods, facilities and services. Direct discrimination relates to cases where a person is treated less favourably than someone of the opposite sex in comparable circumstances because of their gender. Indirect discrimination, in contrast, relates to conditions or practices that are applied generally, but have a particular adverse impact on one sex that is not justified by the application of that condition or practice. An example of indirect discrimination might be the universal imposition of minimum height requirements in all government services, even where it has no bearing in the type of work being undertaken.

Discrimination with respect to the provision of goods, facilities and services is generally unlawful in both the public and the private sectors of the economy. It follows, therefore, that provision of access to the countryside should be available to all. However there is little case law to illustrate how this provision is being met, nor what constitutes good practice with respect to the provision of goods, facilities and services.

Notwithstanding the provisions relating to goods, facilities and services, equal opportunities legislation and policy is most developed in the area of employment practice, covering working conditions, equal pay, limits on working hours and rights

such as maternity and paternity leave. These are not covered in this report as they do not relate specifically to the Diversity Review or access to the countryside. However, it's clear that the UN conventions on children and women, for example, extend well beyond the workplace, even if they have yet to make an impact on the broader understanding of equal opportunities.

There is no specific legislation on discrimination on the grounds of age, although a policy framework is currently being drafted by the European Commission and will eventually have to be brought into English law. However, Article 13 of the Treaty of Amsterdam precludes any employment practices that amount to age-related discrimination, while there is now increasing harmonisation of pensionable age entitlements and related benefits. However, it remains possible to offer discriminatory entry prices or tickets, such as offering reduced fares for young or older people.

The Equal Opportunities Commission (EOC) acts as an information and campaign organisation, setting out guidance about the application of equal opportunities legislation (mainly the Sex Discrimination Act 1975). This includes a series of good practice guides ('how to put equality into practice'), covering employment, small businesses, service provision, placing advertisements, governance and equality exchange.

The guidance on service provision (EOC, 2004) is most relevant to the Diversity Review. It sets out the main provisions of and the exceptions to the Act, gives tips about compliance (see Figure 1.3), and sets out issues where it is seeking changes to or clarification of the law. However, this guidance relates predominantly to the urban and built environment, suggesting that more guidance is required to cover access to open spaces in urban and rural areas.

Figure 1.3: The Equal Opportunities Commission guidance on equal opportunities policy in service delivery

The best way to promote equality is to make sure it is built into all policies and programmes. An equal opportunities policy in service delivery is most likely to be effective if it is part of a whole series of policies that promote equality into every aspect of the organisation's activities. It should be set alongside equal opportunities policies that are already in place for employees and have the backing of staff, management, trade unions and staff associations.

The aim of a policy is to ensure that all service users receive fair and equal treatment. This makes good business sense because an effective policy can attract customers and investors as:

- It enhances customer satisfaction by meeting their needs;*
- It can be much more appealing to potential employees;*
- Good service may make the difference as to whether a business succeeds;*
- Customers now expect more than just quality products and realistic prices;*
- There is a reduced possibility of an organisation having an expensive sex discrimination claim being brought against it - resulting in bad publicity or difficulties with the professional trade bodies who have the potential to withdraw licences or refuse funding.*

Good practice tips:

- When writing an equal opportunities policy in service delivery organisations should provide a definition of what is meant by 'service delivery' in their business so staff and customers know what is covered.*
- Policies will differ depending upon the organisation's size, its resources, the facilities and services it provides and the sector it is within.*
- Many of the principles involved in writing an equal opportunities policy for service delivery are the same as those that apply when writing a similar policy for employees.*
- As with any policy it is not enough for an organisation to have a statement that it is committed to equal opportunities. This will be meaningless unless supported by a clear and explicit implementation plan.*
- The only way to measure the performance of the plan is to monitor it. Monitoring and evaluation are important for formalising the actual business benefits of the policy*

(Source: Equal Opportunities Commission, 2004)

Following the introduction of the Employment Equality (Sexual Orientation) Regulations 2003, there is now an additional requirement on local councils and other employers to recognise lesbian, gay and bisexual people as equal citizens. According to Cllr Laura Willoughby, Chair of the Local Government Association's Equalities Executive:

“At all levels within a council, staff and councillors need to be aware of the sensitive issues surrounding sexual orientation, and be committed to wiping out discrimination. Regardless of political preferences, equality is a subject that we must all be committed to. Whether we talk about race, gender, sexual orientation or any other ‘community’, what we are really talking about is people’s lives, and local authorities, as community representatives, have an important role to play in improving the social well-being of their area.”

Again, the principal impact of the Employment Equality (Sexual Orientation) Regulations 2003 has initially been on employment practices (Stonewall, 2004), particularly in recognising differential experiences of the workplace. This suggests that additional guidance is required on the application of the regulations to other spheres, such as outdoor recreation and leisure activities.

2.4 Race equality

Under the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, it is unlawful to discriminate against anyone on the grounds of race, colour, nationality (including citizenship), or ethnic or national origin. The amended Act also imposes general duties on many public authorities to promote racial equality, through the implementation of Race Equality Schemes. The legislation applies to employment, training, housing, education and the provision of goods, facilities and services.

The general duty to promote racial equality applies to over 300 public authorities, including local authorities, National Park Authorities and many national agencies with duties related to management of the countryside. The duty means that, in everything they do, these authorities must have ‘due regard’ to the need to:

- Eliminate unlawful racial discrimination
- Promote equality of opportunity
- Promote good relations between people of different racial groups.

To meet this duty, authorities should take whatever steps are required to ensure that their policies and practices do not disadvantage people from particular racial groups. This suggests that a policy of ‘do nothing’ is not acceptable and that all the authorities covered by this legislation should have in place positive policies and practices to promote racial equality.

The EU Race Directive that was developed from Article 13 of the Treaty of Amsterdam has been brought into English law in the Race Relations Act 1976 (Amendment) Regulations 2003 (the Race Regulations). The general duty to promote racial equality has been strengthened in the Race Regulations, to make the promotion of racial equality central to the work of the listed authorities. The

Regulations extend this duty to taking the lead (through the development of Race Equality Schemes) in promoting the equality of opportunity and good race relations, and preventing unlawful discrimination.

Thus, the authorities must take account of racial equality in the day-to-day work of policy-making, service delivery, employment practice and other functions.

In carrying this out, two factors must be taken into account:

1. The weight attached to racial equality should be in proportion to its relevance to a particular function;
2. The function is to meet all three parts of the duty (to eliminate discrimination, promote equal opportunities and to promote good race relations). As a result, the authorities must know in detail how their policies affect race relations.

The Commission for Racial Equality (CRE) has developed a statutory code of practice to help authorities meet these duties in full. It has also published four non-statutory guides. The code of practice (CRE, 2002a) gives public authorities practical guidance on the steps that they should take to tackle racial discrimination and promote equal opportunities and good race relations. The non-statutory guides (CRE, 2002b, 2002c, 2002d) have been published to help public authorities, schools and Further Education and Higher Education institutions follow the code of practice.

Guidance issued in 2004 (CRE, 2004) sets out public authority duties to promote race equality through their partnership working. This guidance includes a clear statement of the main principles of the duty, while separate guidance is given about ethnic monitoring (CRE, 2002e).

In addition, there is non-statutory performance guidance for Government departments (CRE, 2002f) and local authorities (CRE, 2002g), as well as other services, which detail the main results or outcomes that will distinguish an organisation that is meeting its duty, as well as offering guidance about how to show that it is meeting the duty.

Finally, there is practical guidance on how CRE will meet its duties under the amended Race Relations Act (CRE, 2002h). There is no current guidance on the application of the code of practice to outdoor recreation.

Obligatory

The duty's aim is to make race equality a central part of any policy or service that is relevant to the duty. Promoting race equality is not something a listed authority can choose to do or not do. This means that the need for race equality is an inherent part of all statutory duties performed by public authorities. Even where a public authority has discretion to act in a particular way, it must exercise that discretion with due regard for race equality.

Relevant

Listed authorities will need to consider all their functions and decide whether they are relevant to race equality. 'Relevant' means 'having implications for', or affecting, race equality. While some purely technical functions, such as managing property, may not be relevant, race equality will always be relevant when delivering services, and in employment.

Proportionate

The weight given to a function should be in proportion to its relevance in promoting race equality. In practice, listed bodies will find that they give the highest priority to those functions and policies that have the greatest potential to affect different racial groups in different ways.

Complementary

The three parts of the general duty – eliminating unlawful discrimination, promoting equal opportunities, and promoting good relations between people from different racial groups – complement each other. Sometimes they may overlap, but they are three separate and distinct parts of the duty. Listed authorities should try to find ways of meeting them all.

(Source: Commission for Racial Equality 2004)

Figure 1.4: The main principles of the duty to promote race equality

In its review of local authority approaches to race equality, the Audit Commission (2004) notes that while there is an increasing wish on the part of most authorities to embrace race equality, the outcomes are currently mixed.

The Audit Commission argues that race equality is critical to delivering high quality public services and better quality of life for everyone. The Audit Commission's message is that public services need to be close to the communities that they serve. When making decisions, authorities need to weigh diversity of views and interests within communities and demonstrate to local people how they had an influence. The report sets out a practical self-assessment tool to help local organisations assess how well they are performing on race equality and to help them develop an action plan for improvement. While there remains a need to adapt this guidance and self-assessment to the provision and management of outdoor recreation activities,

English Heritage's Race Equality Scheme is a good example of how this can be achieved (Figure 1.4), as is the Defra Race Equality Scheme (2003).

Elements of our Race Equality Scheme

- " Our race equality values, principles and standards
- " Our race equality strategic aims
- " How we will meet the general duty
- " How we will meet the specific duties
- " Our action plan and timetable
- " How we will review our plan and targets
- " Our race equality targets
- " Our race equality performance indicators
- " How we will deal with complaints
- " How we will consult our staff and the public, including ethnic minority communities, at different stages of the action plan
- " How we will tell our staff about our plans and activities
- " How we will tell the public about our race equality progress

Our race equality values, principles and standards

English Heritage is committed to promoting equality and good relations between racial groups both in its policies and service provision and in employment. It is also committed to eliminating unlawful racial discrimination through a process of internal scrutiny, positive action and review.

Our race equality strategic aims

Our strategic aims are to acknowledge, respect and celebrate the cultural diversity of England's heritage in all our activities. Issues of personal and group identity are an intrinsic part of the construction of heritage and therefore race equality is an intrinsic part of the work of English Heritage and how it organises itself.

Figure 1.5: English Heritage Race Equality Scheme

2.5 Race Equality Schemes and access to the countryside

A review of local authority-published Race Equality Schemes suggests that there is a wide variation in the specific aspirations, policies and perceived relevance of Race Equality Schemes to the services provided³. Clearly some bodies have thought through the implications of the legislation and are extending the criteria of eliminating discrimination, promoting equal opportunities, and encouraging good relations beyond black and minority ethnic groups to include, for example, gender, sexual orientation, age, and disability (e.g. Nottingham City Council). On the other hand, many do not specifically mention the countryside or countryside access issues. Of those that do, the level of detail varies from global statements through to a detailed analysis of the impact of council policies and service provision on different ethnic groups. Appendix 2 lists examples of Race Equality Scheme statements in relation to access to the countryside.

2.6 Disability discrimination

The Disability Discrimination Act 1995, as substantially amended by the Disability Discrimination Act 2005, was one of the first specific pieces of anti-discrimination legislation in England and makes it an offence to discriminate against disabled people on the grounds of their disability. In line with the Race Relations Amendment Act, the amended Act protects disabled people in the areas of employment; access to goods; facilities and services (public and private); the management, buying or renting of land or property; and education.

The meaning of disability is defined in the Disability Discrimination (Meaning of Disability) Regulations 1996 (SI 1996 No. 1455), which came into force on 30 July 1996. Subject to some exceptions, a person has a disability if he/she has a physical or mental impairment that has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities. The amended Disability Discrimination Act (2005) extends the definition of disability.

Further protection has been offered with respect to access to services and premises through the Disability Discrimination (Services and Premises) Regulations 1996 (SI 1996 No. 1836), which makes it unlawful to treat disabled people less favourably than other people for a reason related to their disability. As a result, the Act makes it unlawful for a service provider to discriminate against a disabled person:

- by refusing to provide (or deliberately not providing) any goods, service or access to facilities which it provides (or is prepared to provide) to members of the public; or
- in the standard of goods, service or access to facilities which it provides to the disabled person or the manner in which it provides it; or
- in the terms on which it provides goods, a service or access to a facility to the disabled person.

Discrimination against a disabled person occurs in two possible ways:

³ named in Schedule 1A to the Race Relations Act. The list is also included as Appendix 1 to the Code of Practice on the Duty to Promote Race Equality.

- when a service provider treats a disabled person less favourably – for a reason relating to the disabled person’s disability – than it treats (or would treat) others to whom that reason does not (or would not) apply; and when the service provider cannot show that the treatment is justified.
- when a service provider fails to comply with a duty imposed on it by section 21 of the Act (a duty to make ‘reasonable adjustments’) in relation to the disabled person; and when the service provider cannot show that the failure is justified.

In these cases, the provision of services includes the provision of goods or facilities. Subject to limited exclusions, the Act affects everyone concerned with the provision of goods, services and facilities to the public, or to a section of the public, whether in the private, public or voluntary sectors. It does not matter if services are provided free (such as access to a public park) or in return for payment (for example, a meal in a restaurant). Among the services which are covered are those provided to the public by local councils, Government departments and agencies, the emergency services, charities, voluntary organisations, hotels, restaurants, pubs, post offices, banks, building societies, solicitors, accountants, telecommunications and broadcasting organisations, public utilities (such as gas, electricity and water suppliers), national parks, sports stadia, leisure centres, advice agencies, theatres, cinemas, hairdressers, shops, market stalls, petrol stations, telesales businesses, places of worship, courts, hospitals and clinics. (This list is for illustration only and does not cover all the services falling under the Act).

The Act does not require a service provider to take any steps that would fundamentally alter the nature of its service, trade, profession or business.

The duty (under the Disability Discrimination (Services and Premises) Regulations 1999 (SI 1996 No. 1191), which came into force on 1 October 1999) is to make reasonable adjustments in several areas:

- changing practices, policies and procedures;
- providing auxiliary aids and services;
- overcoming a physical feature by removing the feature; or altering it; or providing a reasonable means of avoiding it; or providing the service by a reasonable alternative method.

A physical feature includes, for example, a feature arising from the design or construction of a building or the approach or access to premises. As an example of issues relating to the outdoor environment, the Countryside Agency’s report ‘Sense and Accessibility’ (2000) identifies the problems encountered by disabled people with mobility impairments and presents the following key principles:

- Disabled people want to enjoy the countryside in its natural state
- Disabled people need information on the state of the terrain and footway ahead
- Artificial barriers have to be made accessible
- Disabled people want to be able to make their own choice as to the type of terrain they can negotiate safely
- Being able to get to the countryside is almost as important as being in it.

It is clearly not possible to make the whole countryside accessible in ways that address all disabilities. Indeed, the DDA does not demand that this be the case. Rather, access should be provided where it is reasonable and feasible to do so. New guidance should bring together much of the current information and provide clearer direction for those seeking help⁴. This initiative is part of a wider movement to support less restrictive access to the countryside. In preparing new guidance⁵, the Agency states that:

It aims to provide clear and detailed advice on how to improve access opportunities, promoting a planned approach, utilising the concept of management zoning. It has been produced with the resource limitations many access providers have in mind, and aims to provide a realistic, practical and effective approach to encourage more action by providers resulting in more access in more places for more people, more quickly (Countryside Agency, 2005).

Similar guidance, relating to access to historic buildings, is already available from English Heritage (2004), while the Heritage Lottery Fund and English Heritage (2003) have published compendiums of historic properties, parks and nature reserves accessible to people with disabilities (English Heritage, 2003; Heritage Lottery Fund, 2004a, 2004b). The English Heritage guidance has been written primarily for the owners and managers of historic properties open to the public, to illustrate how design can be inclusive and sensitive. It also sets out how owners should prepare an 'Access Statement' to detail where inclusive access may not be possible and would otherwise be in contravention of the DDA 1995. English Heritage is publishing companion guidance on covering historic landscapes during 2005, as 'Easy Access to Historic Landscapes'.

From 1 October 2004, under the Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations 2001 (SI 2001 No. 3253), the following additional duties will also apply: overcoming a physical feature by removing or altering it, or providing a reasonable means of avoiding it.

The potential impact of these regulations has been slow to be recognised. For example, the problems facing village halls were highlighted in an Adjournment Debate in the House of Commons in July 2002. Although providing a location for a range of community services and activities, often in the poorest of rural communities, local authority funding for village halls has remained static since the 1980s, with recent development funded through the National Lottery. This has left many village halls with insufficient funds to meet their commitments under the DDA, with the problem being most acute in the poorest areas with the highest reliance on public funding. Research by the Norfolk Rural Community Council suggests that the average cost of improving village halls to meet the DDA requirements is £6,000.

There has also been some concern expressed by local highways authorities about the extent to which the DDA will require them to improve public rights of way to

⁴ The Fieldfare Trust, which works with people with disabilities and countryside managers to improve access to the countryside for everyone, already provides advice and training services, supported by 'national standards' for accessibility under the BT Countryside for All Project (1997). While the BT standards were important when they were published, there has been subsequent concern about the applicability and fitness for service in some conditions.

⁵ [By All Reasonable Means Countryside Agency 2005](#)

facilitate disabled access. While arguing that the DDA should not lead to wholesale improvement of all routes, it is apparent that many authorities expect to upgrade rights of way close to urban areas, car parks and other places where they feel disabled people may expect to gain access. Central to this is a generalised concern that few providers are clear about where disabled people actually do want access and having established that what constitutes 'reasonable adjustment' in the context of the provision for outdoor recreation.

The Sensory Trust, a national charity established to create inclusive environments, has sought to address many of these concerns by raising awareness of good practice in urban and extra-urban green space design and management. At the core of its work is an approach to integrated design (ID) that ensures that products, information and environments can be used by all people, to the greatest possible extent. The principles of ID are:

- integration, not segregation;
- working with, not for, people;
- the right to choose;
- motivation by example.

In order to clarify the provisions and potential impact of the DDA, the Government published the Disability Discrimination Bill 2003 with the purpose of amending the DDA 1995 in a number of significant ways:

- the definition of disability will be extended to include more people with HIV, cancer and multiple sclerosis from the point of diagnosis;
- the DDA will be extended to cover transport (instead of only transport infrastructure);
- a duty to promote disability equality will be placed on the public sector, meaning that the development of disability rights will become less dependent on individual disabled people taking action to assert their rights (this will bring the legislation into line with the Race Relations Amendment Act);
- the DDA will be extended to cover most functions of public authorities, particularly relating to access to pavements and highways;
- landlords and managers of domestic properties will be under a greater duty to enable disabled people to rent their properties (this is likely to include a provision preventing landlords and managers from objecting to a disabled tenant making suitable modifications to a property);
- all clubs with 25 or more members will be covered by the DDA; and
- local authorities will no longer be able to discriminate against disabled councillors.

It is too early to gauge the impact of these provisions, particularly given continuing concerns about the construction of 'reasonable adjustments'. However, it is clear that there will be improved clarity about the extent to which highways authorities have duties with respect to public rights of way, as well as footways and highways, while the extension of disability discrimination provisions to small member clubs is also likely to have significant impacts on access to outdoor recreation activities.

The Disability Rights Commission (DRC) was established in 2000, under the Disability Rights Commission Act 1999, to promote equal opportunities for disabled

people and to advise Government on the workings of the DDA & DRC Act. The Disability Rights Commission has developed codes of practice that are a key element in implementing the DDA and subsequent regulations (see, for example, DRC, 2002). There are codes relating to definitions of disability, employment, trade organisations, rights of access and education (school and post-16).

In addition, the DRC supports court cases involving claims of disability discrimination, making the findings available on its website. Most of the cases listed concern employment and sex discrimination. Of those relating to the provision of services, many are related to the leisure sector, including unlawfully preventing disabled people entering bars, restaurants and hotels, as well as a case involving an airline charging a disabled passenger an additional fee for his wheelchair.

One of the few cases concerning outdoor recreation is the case of Vernon Roper v Singing Hills Golf Course Ltd, in which a golf course was found to have unlawfully discriminated against the claimant by failing in its duty under the DDA to make an adjustment to its service (to allow disabled people to use motorised golf buggies that are otherwise banned).

There is little evidence of the DDA being used more widely with respect to access to the countryside. This reflects the current adversarial atmosphere in which disability rights are negotiated - and which the Disability Discrimination Act 2005 seeks to address - allied to the inherent difficulties in determining the extent of 'reasonable adjustments' in relation to the modification of the natural and semi-natural environment.

While continuing to support court cases, the DRC recognises that such an individual approach to discrimination is unlikely to achieve large scale and permanent changes in public attitudes and practices. As such, it has welcomed the provisions contained in the DDA 2005, on the basis that the onus for preventing disability discrimination will fall increasingly on public authorities rather than individual people. In addition, extending the DDA to cover public transport and access to pavements and highways (see Local Transport Plans and Accessibility Planning, page 33) are also highly significant developments in removing barriers and constraints to access to outdoor environments and the countryside.

2.7 Rights for carers

Over 5 million people in England and Wales provide care for others, about 3 million of whom do so for people with disabilities and just under 1 million of whom undertake care work for more than 50 hours per week⁶. Carers are therefore often the gatekeepers for facilitating access to outdoor recreation.

The National Strategy for Carers (Department of Health, 2004), developed from the Carers (Equal Opportunities) Act 2004, seeks to ensure that carers receive adequate

⁶ Carer here means anyone who looks after a relative or friend who needs support because of age, physical or learning disability or illness. It does not mean care-worker or care staff of any kind who are paid to provide care as part of a contract of employment.

support, both in terms of their care work and in terms of their lives more generally. The Carers (Equal Opportunities) Act 2004, builds on existing legislation, ensuring:

- that all carers know that they are entitled to an assessment of their needs;
- that councils have a duty to consider a carer's outside interests, including work, study and leisure, when carrying out an assessment; and
- that there is better joint working between councils and the health service to ensure support for carers is delivered in a coherent manner.

In introducing the Act, the Health Minister Stephen Ladyman stated that:

“... we believe it will deliver real and concrete changes for carers by placing a duty on councils to inform carers of their existing rights and extend those rights to consider the carer's wish to combine normal everyday activities, like work and hobbies, with caring” (Department of Health Press Release, Wed 21st July 2004).

In support of this, the National Strategy for Carers includes measures for local authorities to consider the needs of carers alongside those of the people for whom they care. A particular emphasis is placed on carer's health needs – both physical and mental – some of which could certainly be met through supporting access to outdoor spaces. The potential for these benefits to be realised and the role of carers – or facilitators and supporters – as gatekeepers of the experience of people with mental health issues, is being explored in the Countryside Agency's action research project, 'Stepping Out', based in Coventry.

2.8 The Women and Equality Unit

The aim of the Women and Equality Unit is to work across Government and with others to reduce and remove barriers to opportunities for all. In one of its initial reports (Dench, et al, 2002), it set out key indicators of women's engagement in economic, social and public life. This found that there are now more women than men in the labour force, although they are still predominantly employed in junior positions and still earn considerably less than men.

There are growing numbers of women in public life, although in no sphere of government do they yet account for half of those who are active. In addition, while gaining more mobility outside the home, in 2003, only 61 per cent of women in Great Britain held a full car driving licence, compared with 81 per cent of men. (Although this compares with 29 per cent of women and 69 per cent of men in 1975-1976) (Office of National Statistics 2005).

As with most areas of anti-discrimination legislation, the main focus of the Women and Equality Unit is employment practice (the Unit being situated within the Department of Trade and Industry). As such, it has yet to reflect fully the UN Convention on women, nor to tackle some of the broader issues relating to sex discrimination.

Chapter 3: Relevant existing policy

3.1 Summary

This section considers the relevant policy frame within which the human rights and equality legislation has been implemented. The overarching purpose of the policies described has been to address the constraints that have prevented people from exercising their human rights to the full. These constraints have been termed cultural (a lack of confidence), intellectual (a lack of knowledge), and attitudinal (poor self perception). They explain why those people who have been afforded protection from physical constraints may still be unable to make full use of all facilities and activities available to them.

It is apparent that the policy frame for outdoor recreation is based on the tenet that contact with nature, the natural environment and outdoor physical activity is important for people's health, well-being and quality of life. However, it's recognised that linking health, physical activity and outdoor recreation requires new thinking as well as action (Dept of Health/ Culture, Media and Sport, 2004).

The Rural White Paper (Defra, 2000) was published in tandem with the Urban White Paper Our towns and cities: the future (Office of the Deputy Prime Minister 2000) and sets out government policy for rural England, including a section on policies to help all sections of the community enjoy the countryside, recognising in the process that much outdoors recreation is currently the preserve of the white middle classes.

Current initiatives to address this include:

- Increasing access to support opportunities for outdoor recreation – largely through the Countryside and Rights of Way Act 2000 which includes: a statutory right of access to open countryside; new codes of practice for walkers and landowners; and a requirement for local authorities to prepare Rights of Way Improvement Plans;
- Encouraging sustainable transport choices through Local Transport Plan and Accessibility Planning guidance (Department for Transport 2004)
- Improved information about what is available and what people may legitimately do in the countryside
- Encouraging physical activity
- Monitoring delivery of best value
- Strategies to include the local community
- Local area agreements
- Sympathetic land use planning
- Securing sufficient green spaces

These initiatives address a variety of constraints, including a lack of information about where to go and what to do; a lack of clarity on the rights of different people in the countryside; a lack of access to affordable transport between people's homes and accessible countryside and open space; and a lack of suitable and affordable destinations in rural and urban areas.

Urban White Paper

Urban areas are having to deal with five separate but related issues, which the White Paper 'Our towns and cities: the future' is seeking to address:

- The trend has been for people and jobs to move out of major towns and cities;
- In some neighbourhoods there is a poorer quality of life and lack of opportunity;
- Society is changing, with people living longer, having fewer children and many more living alone. As a result we may need to provide for up to 3.8 million new households over the next twenty years;
- Economic performance has varied greatly. Some urban areas have fared badly with knock-on effects on the surrounding region;
- The environment, local and global, needs stronger protection.

The new policy offers a distinct vision of urban living:

- People shaping the future of their community, supported by strong and truly representative local leaders;
- People living in attractive, well-kept towns and cities which use space and buildings well;
- Good design and planning which makes it practical to live in a more environmentally sustainable way, with less noise, pollution and traffic congestion;
- Towns and cities able to create and share prosperity, investing to help all their citizens reach their full potential;
- Good quality services health, education, housing, transport, finance, shopping, leisure and protection from crime that meet the needs of people and businesses wherever they are.

In short, this is a vision of an urban renaissance which will benefit everyone, making towns and cities vibrant and successful places where people will choose to live, and helping protect the countryside from development pressure.

3.2 Increasing access to support opportunities for outdoor recreation

Part I of the Countryside and Rights of Way (CROW) Act, 2000, gives the public a new right of access on foot to mountain, moor, heath, down and registered common land. Although the Act is opening up a considerable amount of previously inaccessible land, the new rights are restricted to access on foot for informal activities (the new right does not extend to cycling, horse riding or driving a vehicle) and landowners and managers are allowed to close land for up to 28 days each year..

The Act is undoubtedly creating new opportunities for many people, including those from some under-represented groups, provided that the cultural and attitudinal constraints associated with accessing such land are equally addressed.

These groups are however addressed more directly in the 2005 Environmental Stewardship grant scheme for farmers, in which those farmers entering the higher level of the scheme can apply for grants to provide access to complement the

existing rights of way and open access legislation. This new access must be for one of four specific reasons:

1. educational access
2. new access to previously inaccessible features of interest
3. to improve countryside access for those with disabilities
4. to create new permissive open access where this is a local priority

Any new access created through the Environmental Stewardship grant scheme, all of which will be permissive, will contribute to achieving the Government's Public Service Agreement target.

The Rural Enterprise Scheme and Vocational Training Scheme are a potential training vehicle for farmers, foresters and land managers to engage with and meet the needs of under-represented groups as new customers for their enterprises.

Part II of the CROW Act, requires all highway authorities, including the outer London boroughs, to complete Rights of Way Improvement Plans (ROWIPs) by November 2007 (Defra, 2002).

ROWIP's must assess:

- the extent to which local rights of way meet the present and likely future needs of the public;
- the opportunities provided by local rights of way for exercise, and other forms of outdoor recreation and the enjoyment of the authority's area;
- the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems.

In order to do this, highway authorities will need to consider the whole network of non-motorised routes, not just definitive rights of way, and they will need to look at the whole spectrum of users and journey purposes. This is consistent with existing Countryside Agency policy for public rights of way, namely that they should be legally defined; physically accessible; and promoted to a wide range of users. (Countryside Commission, 1995).

The Government has issued statutory guidance to highway authorities on how to complete the ROWIP process, and there are a number of key stages promoted including; information gathering, evaluation and consultation. If members of the public wish to influence the process, or to make suggestions for improvements to local routes, they can contact their local highway authority which is usually the county council or unitary authority.

A vital role in the development of Rights of Way Improvement Plans will be played by the National Countryside Access Forum⁷ and statutory Local Access Forums (LAFs) which have been formed to guide local highways authorities on discharging their functions for public rights of way (see Ravenscroft, et al, 2002). Few Local Access Forums have yet had a chance to develop an agenda beyond responding to the

⁷ The National Countryside Access Forum (NCAF) was set up in July 1999 to assist the Countryside Agency to make the countryside more accessible and enjoyable for open air recreation, in ways which take account of social, economic and environmental issues.

CROW Act 2000. However, it is clear that issues of equality have been considered to an extent in some appointments of LAF members.

For example, both the Suffolk and Leicestershire LAFs ask prospective members whether they are aware of equal opportunities and DDA legislation. The East Riding LAF goes further, in making a 'knowledge of DDA and relevant equal opportunities issues' a desirable part of the person specification for membership.

The Countryside Agency (2004) has recognised the potential role that Local Access Forum can play as a vital part of integrated access schemes. However, as the Minister for Rural Affairs (2004) observed, there is a need for a new phase of development for LAFs, to ensure that all display the engagement, vision and leadership currently only displayed by some of them.

The Diversity Action Plan and the on-going challenge of integrated access for all represent a major opportunity for LAFs to develop the type of dynamism identified by the Minister. This is unlikely to be realised, however, until new direction, guidance and training is given to LAF members to ensure that they understand in full the task that they face.

3.3 Encouraging sustainable transport choices

The Department for Transport's aim, set out in its 10 year plan (Department for Transport, 2000), is transport that works for everyone. To this end the Department works in partnership with others to:

- tackle congestion
- improve accessibility
- reduce casualties
- respect the environment
- support the economy

Transport policies can make an important contribution to meeting other national and local priorities, such as tackling crime, fostering social inclusion, encouraging thriving communities, stimulating economic growth and protecting the environment.

The 10 Year Plan for Transport set out a long-term increase in transport spending which will help to improve public transport and address social exclusion. The introduction of 5 year Local Transport Plans (Department for Transport, 1999) has contributed to long-term funding stability at a local level.

Local transport authorities in England outside London have produced 5 year Local Transport Plans (LTPs), and report on progress against these plans in Annual Progress Reports (APRs) (Department for Transport, 1999).

Local authorities submitted their first plans in 2000. Alongside the introduction of the LTP system, the Government announced, in the 10 Year Plan (Department for Transport, 2000), a step change in the capital funding provision for local transport - from £0.4 billion in 1998/99 to £1.2 billion in 2001/02 (the first full year of LTPs). Provision is expected to continue to rise incrementally to £2.2bn annually from

2007/08. Both the LTP system and improved funding have been widely welcomed by all key stakeholders.

In the Foreword to the Full Guidance on Local Transport Plans published in December 2004 The Minister for Local Transport describes Local Transport Planning as a '*vital and essential service to solve problems, deliver opportunity for all and enhance the quality of life*'. The document focuses on people, their needs and expectations and calls for effective, deliverable policies that have engaged with people, involved the skills of other professions and demonstrated value for money while being expert, energetic, enthusiastic and enterprising.

Local Transport Plans are public documents that set out the authority's policies, strategies, objectives and targets for improving transport in their communities. The Department for Transport uses Local Transport Plans and Annual Progress Reports to inform decisions on capital funding for local authorities; inform the development of policies on local transport; and monitor the delivery of key national objectives and targets that are delivered through the actions of local government.

LTPs do not just focus on individual transport schemes, but take a broader view of how transport measures can help achieve wider and longer-term objectives. In implementing their LTPs, authorities can help to improve the quality of life of people who live and work in our towns, cities and countryside by encouraging social inclusion and helping people to get to jobs and the services they need (Department for Transport Mobility and Inclusion Unit, 2001).

As announced in the Social Exclusion Unit (2003) report 'Making the Connections', accessibility planning will be incorporated into local authorities' second LTPs, which are due in July 2005. This framework aims to help transport authorities and their local partners to promote social inclusion and accessibility by helping people from disadvantaged groups or areas access jobs and essential services. The report emphasised that accessibility is not just about transport and can be influenced by decisions on the location, design and delivery of other services and by people's perceptions of personal safety.

Accessibility planning encourages local authorities and other agencies to assess more systematically whether people can get to places of work, healthcare facilities, education, food shops and other destinations that are important to local residents. It also provides the framework for transport authorities and other relevant agencies to work together to develop and deliver solutions to accessibility problems depending on the particular needs and priorities of local areas. Local transport authorities that produce LTPs are asked to take the lead at the local level, working in partnership with others such as local planning authorities, Primary Care Trusts, Jobcentre Plus, local education authorities, local Learning and Skills Councils and Crime and Disorder Reduction Partnerships. Solutions might include changes to the location, design and delivery of non-transport services, measures against crime and the fear of crime in and around transport, changes to pupil, patient, social services and public transport and improvements to walking.

Authorities will be expected to develop and implement an accessibility strategy as part of their next LTPs. It should:

- be set in the context of the wider vision and objectives for that area, for example for the development of jobs and housing, as set out in the community strategy
- aim to improve accessibility for all, but particularly for disadvantaged groups and areas
- focus on accessibility to employment, learning, health care and food shops, together with other services and opportunities of local importance

The accessibility strategy should be based on an assessment of the accessibility needs and problems of the area, set out accessibility priorities within the LTP period and demonstrate how a range of interventions can address these priorities. There should be clear linkages between objective setting, strategy development and on the ground delivery and monitoring. (Department for Transport 2004)

Accessibility planning will help to contribute towards the Department for Transport's Public Service Agreement (PSA) target:

To secure improvements to the accessibility, punctuality and reliability of local public transport with an increase in use of more than 12 per cent by 2010 compared with 2000 (Department for Transport, 2000).

Consistent with the transport provisions in the then Disability Discrimination Bill 2003, the Disabled Persons Transport Advisory Committee (DPTAC) (2003) has set out five principles of good practice for designing and achieving inclusive transport environments. These focus on:

- understanding and committing to the commercial, legal and moral benefits of inclusive environments;
- appointing an appropriate access champion;
- integrating access issues at all stages of the project design, briefing and implementation phases.

In addition, DPTAC (2002) has established its 'out of town' campaign to bring the issues of rural public transport to the fore. For example, while welcoming the Government's approach to transport planning, DPTAC makes the point that rural areas are highly heterogeneous and require creative transport solutions, particularly in the design of the small buses that dominate rural public transport services (Disabled Persons Transport Advisory Committee, 2001). This concern has now been recognised in the Disability Discrimination Act 2005, which covers public transport in addition to transport infrastructure.

Other key measures that promote accessibility include:

- minimum half-fare discounts on local bus services for older and disabled people;
- enabling the provision of innovative bus services through the Urban and Rural Bus Challenge schemes, supporting rural buses, and extending the Bus Services Operators' Grant to community transport;

- making vehicles and transport more accessible to disabled people following the Disability Discrimination Act 1995, as amended in 2005;
- providing better travel information, for example by initiating 'traveline', a telephone service run with partner organisations that provides information on transport routes and times;

(see Department for Transport, 2003a, 2003b, 2003c; Department for Transport Mobility and Inclusion Unit, 2001; Social Research Associates, 2002)

Other organisations, such as the Disabled Ramblers Association and Disabled Drivers' Association Countryside Access Group, are also active in campaigning for better access to the countryside for disabled people, primarily through the removal of physical barriers to access.

3.4 Improved Information

The Rural White Paper identifies three tasks with respect to improvements in the availability of information:

1. To improve information about what is available and what people may legitimately do in the countryside;
2. To publish codes of practice for walkers and landowners to accompany the new right of access to open countryside;
3. To develop a National Access Database available on the internet to give up-to-date information on rights of way and access areas available to the public.

The main development at a national level has been the work conducted by the Countryside Agency on the mapping of the new access land. There is now a dedicated website giving information, and through which the National Access Database it is envisaged will eventually be accessible (www.openaccess.gov.uk). A number of documents are currently available on this site, including:

- Countryside access for the public- Information on what to do and where to go in the English countryside, including maps showing the opened up access land and the new Countryside Code.
- Open access information for Land managers: providing owners and managers of access land with information about the new access arrangements and advice on how to manage public access.

3.5 Encouraging physical activity

The government policy for sport and physical activity described in Game Plan (DCMS/Cabinet Office Strategy Unit, 2002) set a much broader and more challenging agenda than any previous initiative and, indeed, the Rural White Paper. The genesis of Game Plan lay in the Social Exclusion Unit (SEU) (1998) report on neighbourhood renewal, which led to the identification of a number of key policy areas surrounding exclusion. One of these was sport and recreation (Policy Action Team 10, 1999). This report suggested that participation in sport and recreation can

lead to improved health, reduced crime levels, more employment and a more positive attitude to education. These initiatives were brought directly into Government policy through Game Plan, interestingly not as a Sport England or UK Sport policy, but directly through the Department of Culture, Media and Sport and the Cabinet Office Strategy Unit.

The long term vision of Game Plan was, by 2020, “to increase significantly levels of sport and physical activity, particularly among disadvantaged groups; and to achieve sustained levels of success in international competition”. The first aim to meet this vision is to encourage a mass participation culture, with a target of 70% of the population ‘reasonably active’ by 2020. This is a major target, given that current levels have been static for some time at about 30% of the population.

Game Plan has been superseded by ‘Choosing Activity’, a physical action plan, still a joint publication which states, “While we acknowledge the 70% target as an aspirational goal, the Government has clearly set out its priorities in the Public Service Agreement (PSA) targets below. Before committing to further activity targets, we propose to complete the current modelling work being undertaken under the obesity delivery plan”.

This policy and target has already led to developments in a number of key areas, with Sport England developing a new national framework for community sport (Sport England, 2003b) and a more regionalised basis from which to deliver this framework (Sport England, 2003a).

In addition, the Department of Health, the Department of Culture, Media and Sport and the NHS have combined to develop a consultation on how to increase physical activity (DH/DCMS, 2004), following the Chief Medical Officer’s (2004) report ‘At least five a week’, which set out the benefits to health of physical activity. This consultation recognises the key constraints to physical activity, prioritises action to help under-represented groups become more physically active and seeks guidance on how this can be achieved.

The Countryside Recreation Network (CRN) commissioned the University of Essex to “...undertake a systematic review of the evidence linking recreation in greenspace and countryside to health and well-being; provide a snapshot of current practical initiatives based on countryside recreation, illustrating their scope and scale and identifying gaps; provide advice on the policy implications of investment in ‘green exercise’ ” (‘A countryside for health and well being: the physical and mental benefits of green exercise, 2005’).

The researchers reported a significant increase in self esteem in nine out of the ten case studies which were spread across Great Britain and Northern Ireland. They discerned three levels of engagement with nature:

- viewing nature
- being in the presence or nearby nature
- active participation and involvement with nature.

3.6 Monitoring delivery of best value

There is a requirement in the Local Government Act 1999 for local authorities to deliver Best Value in their services (DTLR, 2001). The ODPM Circular 03/2003 (ODPM, 2003b) has stressed that Best Value Performance Plans should now consider the role of sport and active recreation in delivering key aspects of local policy, including health, crime reduction, employment and education. Specific guidance on this has been made available to National Park Authorities in ODPM Circular 10/2003 and Defra Circular 03/2003 (ODPM/Defra, 2003). Under the Statement of Shared Priorities contained in all the Circulars, the key priorities for local, National Park and the Broads Authorities include:

- Improving quality of life for children, young people, families at risk and older people
- Promoting healthier communities and narrowing health inequalities
- Creating safer and stronger communities
- Transforming the local environment.

The review of English National Park Authorities (NPAs) (Defra, 2002) proposed new policies relevant to achieving this agenda:

- There should be advice and guidance available to National Park Authorities (NPAs) on the role of National Parks in promoting sustainable development and fostering the social and economic well-being of local communities (policy 4);
- Defra, the Countryside Agency and NPAs should attach a higher priority to promoting understanding of National Parks, through developing programmes and initiatives that attract a wider audience, including those from urban areas, black and minority ethnic communities and young people (policy 15);
- New national 'State of the Parks' indicators are to be developed by the NPAs and the Countryside Agency (policy 19);
- National Park Authorities should become more accountable to their local populations (policy 22 et seq).

In the Review, the Countryside Agency was asked to assess (i) the demand for different forms of recreation in the English National Parks; and (ii) the capacity of the parks to accommodate them (Review of English National Park Authorities, Defra 2002). Sheffield Hallam University carried out the assessment on behalf of the Agency and concluded that "outdoor recreation demand is extremely significant in the National Parks ...National Park Authorities already contribute significantly to mass leisure participation in a wide range of activities, including general sight-seeing and walking. However, this study concludes that NPAs have often been ambivalent, at best, towards their second purpose, but that attitudes are gradually changing. There are now many examples of good practice in the promotion of opportunities for the types of outdoor recreation activities covered by this study." 'Demand for outdoor recreation in English National Parks, 2004'.

The 'second purpose' of National Parks as stated in the 1995 Environment Act is 'to promote opportunities for the understanding and enjoyment of the special qualities [of the Parks] by the public'.

3.7 Strategies to include the local community

Local authorities are also required, under the Local Government Act 2002, to prepare Community Strategies that incorporate local cultural strategies (see DCMS, 2000b; Aitchison, 2003; Neal, 2003; Creative Cultures, 2004). These strategies, to be prepared by Local Strategic Partnerships of local authorities, businesses and the local communities, should provide a single co-ordinated framework to develop and deliver local neighbourhood renewal.

Part of this approach should be to promote well-being and social inclusion through engagement with local culture, and to make the case for including culture in the delivery of key social inclusion targets.

As such, Community Strategies would seem to be an appropriate vehicle through which to foster an integrated approach to delivering and managing outdoor physical activity. It is certainly the case that they could engage with transport planning and the delivery of the Game Plan targets. There is also potential for them to engage with Rights of Way Improvement Plans, perhaps by creating a formal link between Local Strategic Partnerships and Local Access Forums.

3.8 Local partnerships

An emerging vehicle to address the need for local authorities to work across internal departmental and external authority boundaries are Local Area Agreements. They are part of the Government's 10 year strategy to create sustainable communities. The agreements are piloting a new central and local government agreement to work together to deliver the public services that have a direct impact on people's lives. Working through Local Strategic Partnerships, they will focus on a range of agreed outcomes that are shared by all the delivery partners locally. The cross cutting work needed to address the needs of under-represented groups for outdoor recreation lends itself to testing through this new model.

3.9 Sympathetic land use planning

Land use planning is also an area in which anti-discriminatory policy has been developed. In particular, through specific planning guidance (Planning Policy Guidance PPG17, Planning for Open Spaces, Sport and Recreation), open spaces, sport and recreation are seen to underpin people's quality of life.

Well-designed and implemented plans for open space, sport and recreation are therefore seen to be fundamental to delivering broader Government objectives. These include supporting an urban renaissance; supporting a rural renewal; promotion of social inclusion and community cohesion; promoting health and well being; and promoting more sustainable development.

The long term aims established in PPG17 are:

- Networks of accessible, high quality open spaces and sport and recreation facilities, in both urban and rural areas, which meet the needs of residents and visitors, are fit for their purpose and economically and environmentally sustainable;
- An appropriate balance between new provision and the enhancement of existing provision;
- Clarity and reasonable certainty for developers and land owners in relation to the requirements and expectations of local planning authorities in respect of open space and sport and recreation provision.

3.10 Securing sufficient green spaces

CABEspace publish guidance on the preparation of Greenspace Strategies which cover all greenspace, including country parks. Through a creative and joined up approach, the aim of the strategies is to provide safe, popular public spaces through:

- Involving communities to create a shared vision
- Safeguarding the future of greenspace
- Improving the quality of neighbourhoods
- Enhancing the well being of local people
- Attracting resources for management.

For members of the under-represented groups targeted, access to local greenspace is their first and most local experience of outdoor recreation.

Guidance on the provision of suitable quantities and qualities of open space has been provided by the National Playing Fields Association (1989) and, more recently, English Nature (Harrison, et al, 1995; English Nature, 1996; Handley, et al, 2003).

The English Nature guidance describes the Accessible Natural Greenspace (ANGSt) model (see Figure 1.6) and is set out in its leaflet 'a space for nature' (English Nature, 1996). The standard of providing one hectare of local nature reserve per 1000 population has been taken up by the Audit Commission as one of its quality of life indicators.

The English Nature ANGSt Model requires:

- *That no person should live more than 300m from their nearest area of natural greenspace of at least 2ha in size;*
- *Provision of at least 1ha of Local Nature Reserve per 1000 population;*
- *That there should be at least one accessible 20ha site within 2km from home;*
- *That there should be one accessible 100ha site within 5km;*
- *That there should be one accessible 500ha site within 10km.*

Figure 1.6: The English Nature Accessible Natural Greenspace (ANGSt) Model

Chapter 4: The Diversity Review

Despite the policy initiatives provided in the preceding chapters, there remains an enduring concern in government that access to the countryside continues to be dominated by white, middle aged, middle class people (Defra, 1999; Worth, 2004). This is despite a commitment to broadening access to the countryside and open space activities which has been reflected in successive Public Service Agreements (PSAs) negotiated with Defra and its predecessors (Defra, 2004), with the long-term target of achieving a better quality of life for all.

Regardless of this rhetorical emphasis on everyone in society, the most recent review of the UK policy on sustainable development (Defra 2004) focuses little beyond people with physical disabilities. As a result, while some progress has been made in encouraging under-represented groups to become more active (DTI, 2001; ODPM, 2002, 2003a), many people still face difficulties in participating in even the most basic elements of public life (Disabled Persons Transport Advisory Committee, 2001, 2002).

This has led to a requirement being placed on all Government departments to undertake a full diversity review to assess their current performance and the actions that need to be implemented to improve this performance. The Rural White Paper (Defra, 2000) contains an express commitment to reviewing diversity, in part by asking the Countryside Agency to consider what can be done to provide additional opportunities for disadvantaged groups to enjoy the countryside. Paragraph 11.3.8 states that:

“We have asked the Countryside Agency to investigate what more may be done to provide opportunities for disabled people, Black minority and ethnic (BME’s), residents of inner city estates, and young people to enjoy countryside recreation. They will be establishing pilot projects in a number of areas. We will also expect local authorities’ rights of way improvement plans to include proposals for making improvements for people who do not normally visit the countryside, for instance increasing accessibility for those with sight or mobility problems. We are encouraging local authorities to consider all social groups and the full range of countryside recreation in drawing up their local cultural strategies. But we accept that we need to do more at government level to develop a longer term strategy” (emphasis added).

The strategy is that:

“By 2005, we will carry out a full diversity review of how we can encourage more people with disabilities, more people from the BME’s, more people from the inner cities, and more young people to visit the countryside and participate in country activities. Initially we will do this by seeking their views on what they need to enjoy the countryside. Then we will draw up a plan of action.”

This is wholly consistent with the current Defra PSA targets, negotiated in 2003, which include specific provisions relating to addressing under-representation:

- Social progress which recognises the needs of everyone (PSA target 1);

- Making the countryside attractive and enjoyable for all – including opening up public access to mountain, moor, heath and down and registered common land by the end of 2005 (PSA target 3);
- Improve the accessibility of services for rural people (PSA target 4).

Following the recommendations of the Haskins Report on Rural Delivery (Haskins, 2003), these targets are now embedded in Defra Rural Strategy (2004), which prioritises improvements to the accessibility and quality of public services, and to the capacity of rural communities to deliver these improvements locally.

Similarly, the emphasis of the revised sustainable development strategy for the UK (Defra 2005), 'Securing the future – delivering the UK sustainable development strategy' is on economy, environment and social justice, such that people's health and livelihoods are now linked strongly with environmental sustainability. This focus is set out in policy RS04 of the Rural Strategy, which is based on three key priorities:

1. Economic and social regeneration – supporting enterprise across rural England, but targeting areas of greatest need;
2. Social justice for all – including tackling rural social exclusion and providing fair access to services and opportunities for rural people;
3. Enhancing the value of the countryside – enhanced protection of the natural environment.

The social justice dimension is picked up within 'Securing the future – delivering the UK sustainable development strategy'. This states, "To realize the full recreational and health benefits that should arise from better access, the Countryside Agency is carrying out a Diversity Review to investigate how we can improve the opportunities for a broader cross section of society to enjoy the countryside. A diversity action plan will follow from the review..."

In responding to the Haskins Report, Defra has identified a number of delivery reforms that will support the achievement of these policies. These revolve around 'mainstreaming' Government's response to rural socio-economic needs; better targeting of measures to tackle deprivation in lagging rural areas; and the devolution of more funding and decision making powers to the regions.

In addressing the new agenda and PSA targets, the Countryside Agency's Diversity Review scoping study (OPENspace, 2003) found that while countryside and open space activities have the potential to be inclusive – and offer an attractive means of promoting social inclusion – many people do currently experience constraints to access. This has led senior officers at the Countryside Agency to recommend to the Agency Board that a review of outdoor recreation be undertaken in preparation for the development of a 'Framework for Outdoor Recreation in England' (Worth, 2004). This framework would "...set out a radical agenda for action to improve the provision and take up of outdoor recreation over the next 10-15 years" (Worth, 2004: para 7).

The projects undertaken as part of the Agency's Diversity Review inform this agenda. The overall aim of the review has been to explore:

1. The current state of recreational access to the countryside in England by people and groups who are presently under-represented, and their needs and the factors affecting their participation;

2. The diversity-awareness of a wide range of countryside service providers;
3. The needs and perceptions of people from under-represented groups about the countryside
4. The potential impact and value of countryside access for people from under-represented groups, and ways of sustaining access over a longer period of time.

This review of legislation and policy was undertaken as part of the second of these.

4.1 Discussion

In overall terms, it is clear that the policy frame for outdoor recreation is based on the tenet that contact with nature and the natural environment, and physical outdoor activity, is important for people's health, well-being and quality of life. Everyone should be able to enjoy this contact safely, without having to make special efforts or journeys to do so.

However, as the Choosing health? Choosing activity (Department of Health/ Department for Culture, Media and Sport, 2004) consultation indicates, Government recognises that achieving the link between health, physical activity and outdoor recreation requires new thinking, as well as action; while Modernising Rural Delivery and the Diversity Review highlight the current inequalities in representation in outdoor recreation that must be addressed if the full benefits of access to the outdoor environment are to be achieved.

While there is clearly a level of understanding of the issues relating to diversity and exclusion as a whole by service providers across sectors, and a range of actual and potential policy responses to address current inequalities, there is as yet very little evidence of action. For example, while claiming that its policies are about 'making a real difference to people's lives', the first review of the ODPM Race Equality Scheme (ODPM, 2004) contains much more about consultation than about delivery, despite the setting up of a 'Sustainable Communities Delivery Unit' within the ODPM.

Similarly, while increasingly including diversity and social inclusion performance measures within their delivery strategies, few local authorities have developed genuinely new and innovative ways of addressing these issues. In virtually all cases, the domain response has been to provide more of the same but with some modification to the delivery system to address under-represented groups.

Good examples are plans to use different languages on information boards and in interpretation materials, and to promote outdoor activities to all members of the community. Not only do these approaches lack innovation, they also betray a current schism between the spirit of the legislation and policy (mainstreaming the protection and promotion of diversity and human rights at all levels of delivery) and the reality of performance-driven delivery systems.

It is also apparent that both legislation and policy are operating at different levels and intensities, according to the types of human right being addressed. Whereas Race Equality Schemes have an embracing approach that mainstreams attitudes and

intentions, as well as actions, the disability rights legislation is still focused fairly narrowly on physical issues of access.

This means that, rather than treating under-representation and the encouragement of diversity as a universal matter, most local and public authorities remain highly strategic and specific in their actions.

However, it is still relatively early in this process, with only a few of the more active local authorities having the time to demonstrate their long-term commitment to increasing diversity. As Bert Massie, Chair of the Disability Rights Commission, points out, the initiation of the final phase of the Disability Discrimination Act 1995 marks not so much the (successful) end of the debate as a stage in removing prejudice from the delivery of public services (Massie, 2004).

Equally, the legal requirement to publish Race Equality Schemes, is no more than a start, a rhetoric of intention that still has to be supported by action. In this regard, the development of the Equality and Human Rights Commission has major symbolic significance in deflecting the focus of delivery from addressing individual legislation requirements to adopting a broader, more inclusive, approach to public service delivery.

The need to adopt this broader, more inclusive approach to public delivery, has been articulated by Defra in their Rural strategy 2004, which states:

“working with the new Integrated Agency, the Environment Agency, Forestry Commission, English Heritage and regional and rural partners, Defra will:

put an action plan on diversity in place in 2005/6 in the light of the Countryside Agency’s Diversity Review findings, to enable more people from diverse backgrounds to make informed choices about taking up recreation opportunities in the countryside”

The Diversity Review Action Plan represents a major opportunity to make significant changes in the representation of people participating in outdoor recreation through a long term, sustained programme of activity. It will assist the public services, the voluntary and private sector in this aspiration.

Appendices

Appendix 1: United Nations Conventions and Resolutions

UN Convention on the Rights of the Child (UN Office of the High Commissioner for Human Rights, 1989)

This specifies that all signatories must agree to ensure that all children and young people enjoy a full and decent life, as defined in the articles of the convention. This is specifically extended, in Article 23, to children with mental and physical disabilities. In England, the Children Bill 2004 reflects the first major reform of children's services for 30 years. However, rather than the breadth of the UN Convention, it is clear that the Bill relates primarily to child protection.

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989; entry into force 2 September 1990, in accordance with article 49.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Article 15

1. States Parties recognise the rights of the child to freedom of association and to freedom of peaceful assembly.

Article 23

1. States Parties recognise that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

Article 27

1. States Parties recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

- 1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.*
- 2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.*

(Extracts from UN Convention on the Rights of the Child)

UN Convention on the Elimination of all Forms of Discrimination against Women (UN Division for the Advancement of Women, 1979)

The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

UN Resolution on the Human Rights of Persons with Disabilities (UN Commission on Human Rights, 2003)

Urges governments to take active measures to:

Ensure the full and equal enjoyment by persons with disabilities of all human rights and fundamental freedoms; prevent and prohibit all forms of discrimination against persons with disabilities; and ensure equal opportunities for their full participation in all spheres of life.

Appendix 2: Race Equality Scheme Statements relating to Access to the Countryside

Buckinghamshire County Council: Race Equality Scheme: Countryside Services (2004)

http://www.buckscc.gov.uk/diversity/countryside_services.htm

Buckinghamshire County Council prefaces their Race Equality Scheme with a Diversity Policy statement:

“Buckinghamshire County Council is committed to achieving equality of opportunity as an employer of people, provider of services, educator and community leader. The Council places considerable emphasis on understanding, acceptance and appreciation of individual differences.

Diversity is much broader than equal opportunities. It seeks to eliminate unfair discrimination from our policies and practices, not just on the basis of sex, race and disability, but also on the basis of any other factors which are visible or invisible, e.g. age or background, and because of which people may be treated unfairly at work.

The aspect of Diversity, which this Race Equality Scheme is concerned, is race and ethnicity.”

Policy / Function	Is it relevant to the general duty?		What is the degree of relevance?		Priority
	Which of the three aspects does it relate to (if any or all)? 1 - Eliminating discrimination? 2 - Promoting EOP 3 - Promoting good race relations?	Is there evidence or reason to believe that some racial groups could be differently affected? Which racial groups are affected?	How much evidence do you have? 0 - none 1 - a little 2 - some 3 - a lot	Is there any public concern that functions / policies are being operate in a discriminatory manner? 0 - none 1 - a little 2 - some 3 - a lot	High (Year 1) Medium (Year 2) Low (Year 3)
Developing and implementing initiatives to conserve and enhance the rural nature and beauty of Buckinghamshire	-	No	-	0	-
Undertaking the Council's statutory rights of way duties and ensuring that users enjoy their visit to the countryside.	1	Possibly Non-English speakers	0	0	Low
Increasing visitor numbers and enhancing their stay at	1, 3	Sections not English literate	1	0	Medium

the country parks whilst delivering a self-financing budget.				
Providing and increasing opportunities for the public to gain access to and understand the countryside.	1, 3	Sections not English literate	0 0	Medium
Ensuring that the Agricultural Estate is managed cost effectively	-	No	- 0	-

The County Council owns and operates a number of countryside centres in Derbyshire offering opportunities for walking, cycling and other countryside pursuits. We aim to offer a welcoming environment for all visitors to these countryside centres, which include developing initiatives to widen their appeal to minority communities.

What we said we would do in 2002 – 2003	What progress we have made	What difference has this made for service users?
Carry out a survey of the use of Elvaston Castle Country Park by BME's, women and disabled people	Survey completed in February and March 2003. Results currently being analysed We are planning to develop contact with key groups to seek assistance in interpreting results	None so far, but we look forward to developing services in the coming year as a result of the survey.
What we will do between 2003 and 2006	How we plan to achieve this	What difference this should make for service users
We will extend the survey work into all countryside sites and facilities.	By carrying out visitor surveys. We plan to extend the survey by posting user survey questionnaires on the web site, and also seek the assistance of key groups in designing and carrying out surveys. We also plan to involve key groups in making decisions in the improvement of services.	A substantial improvement for all service users by identifying concerns about services and addressing those concerns
We will develop a rapid response to reports of offensive graffiti on Derbyshire County Council controlled roads and road structures, removing graffiti which does not require specialist treatment within 24 hours	Using Highways Care Team operatives.	People will enjoy a safer, more pleasant and reassuring environment
We will work towards a standard reaction time of 24 hours to remove all graffiti within Derbyshire Council's control	Set up discussions with other departments to work towards this aim	

Nottinghamshire County Council Race Equality Scheme (May 2002)
http://www.nottinghamshire.gov.uk/race_equality_scheme_final.pdf

Key

D = Disability

R = Race

A = Age

G = Gender

S = Sexual Orientation

Yes

No

Sometimes

NK Not Known

N/A Not Applicable

Function (powers and duties)	Policies and Practice	Which of the three aspects does it relate to:			Is there any existing evidence of differential outcomes for different groups?					Is there any public concern that functions / policies being operated in a discriminatory manner?				
		(1) eliminating discrimination,	(2) promoting Equality of Opportunity,	(3) promoting good race relations (if any).	D	R	A	G	S	D	R	A	G	S
Country Parks Marketing	Events and Facilities Promotion	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	
Tourism Support Marketing	Provision of Visitor Inf.	N/A	N/A	N/A	Y	N	Y	N	N	Y	N	N	N	
Community Transport		N	Y	N	Y	Y	Y	Y	N	N	N	N	N	
Rights of Way Walks and Paths		N	Y	N	Y	N	N	N	N	N	N	N	N	
Countryside Conservation		N	Y	N	Y	Y	Y	N	N	N	N	N	N	

This is table is an excerpt. Full details can be found from
http://www.nottinghamshire.gov.uk/race_equality_scheme_final.pdf

Evaluation Form: Policy and legislation for providers

'Policy and legislation for providers' is published in July 2005 as one of five documents for Diversity Review, a Defra Rural White Paper 2004 commitment to explore the diversity of people who access outdoor recreation and the countryside. The other four documents are:

- CRN 94 Research Note "What about us?" Diversity Review evidence. Challenging perceptions: under-represented groups' visitor needs.
- "What about us?" Diversity Review evidence. Challenging perceptions: under-represented groups' visitor needs. Full report.
- CRN 95 Research Note "What about us?" Diversity Review evidence. Challenging perceptions: provider awareness of under-represented groups
- "What about us?" Diversity Review evidence. Challenging perceptions: under-represented groups' visitor needs. Full report.

This is the first edition of the 'Policy and legislation for providers' published following research by the Environmental Psychology Unit, University of Surrey into provider awareness of the needs of under-represented groups.

We want to ensure that the document meets the needs of outdoor recreation providers and representative groups alike and that it is annually updated. Please could you take the opportunity to help by responding to this evaluation form.

We hope that you have found the document to be a useful resource and we welcome all comments – contact details at the end. It would help the Countryside Agency if you provided answers to the following questions:

- 1. Are there any specific parts of the document that have been useful to you ?**
- 2. What additional existing policies do you think need to be added to this document ?** (please provide the source for where they can be found)
- 3. Please tell us about any sections of the document that you think need to be revised or updated.**

Name:

Email:

Address:

Contact: www.diversity@countryside.gov.uk