

**SUBJECT: THE PUBLIC SECTOR EQUALITY DUTY**

**JOINT REPORT OF THE CHIEF FIRE OFFICER AND THE CLERK TO THE AUTHORITY**

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**1 INTRODUCTION**

- 1.1 The purpose of this report is to inform Members of the new public sector equality duty coming into force on 6 April 2011.

**2 BACKGROUND**

- 2.1 On 1 October 2009 the Equality Act was implemented bringing together all previous equality legislation in England, Scotland and Wales.
- 2.2 The Act includes a new public sector equality duty which will replace the separate duties relating to race, disability and gender equality.
- 2.3 The Government has published regulations to help public authorities ensure they meet the responsibilities of the new equality duty.
- 2.4 In addition, guidance regarding the equality duty has been provided by the Equality and Human Rights Commission (EHRC) to assist public authorities to prepare for its implementation.

**3 OVERVIEW OF THE EQUALITY DUTY**

- 3.1 The public sector equality duty consists of a general equality duty, which is set out in section 149 of the Equality Act 2010, and specific duties which are imposed by secondary legislation.
- 3.2 The new duty covers eight protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The general duty also covers marriage and civil partnership, however not for all aspects of the duty.
- 3.3 The purpose of the general equality duty is to integrate consideration of equality and good relations into the day-to-day business of public authorities to tackle inequality and improve outcomes for diverse communities.
- 3.4 The general duty requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services, including internal policies, and for these issues to remain under review.

- 3.5 Specific duties are to be implemented in order to assist public authorities in complying with the general equality duty by helping them to improve the focus and transparency of activity undertaken to meet the duty.
- 3.6 Complying with the specific duties is a necessary part of complying with the general equality duty however, in order to comply with the general duty, organisations will need to have due regard to the need to achieve the aims of the duty across all of its functions.

#### **4 IMPLICATIONS FOR THE AUTHORITY**

- 4.1 The EHRC guidance provides information regarding legal requirements and recommended actions for public authorities in relation to: assessing relevance, using and publishing equality information, engagement, equality analysis, equality objectives, commissioning and procurement, and business planning and reporting.
- 4.2 To meet the general equality duty, the Authority must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 4.3 The specific duties require the Authority to publish sufficient information to demonstrate compliance with the general equality duty across its functions. This will include:
- Information on the effect that the Authority's policies and practices have had on people who share a relevant protected characteristic.
  - Evidence of analysis that the Authority has undertaken to establish whether its policies and practices have (or would) further the aims of the general equality duty.
  - Details of the information that the Authority considered in carrying out this analysis.
  - Details of engagement that the Authority undertook with people from whom it considers to have an interest in furthering the aims of the general equality duty.
- 4.4 In addition to the above, by April 2012, the Authority will be required to prepare and publish equality objectives that it reasonably believes it should achieve to meet one or more aims of the general equality duty. It should also provide details of the engagement undertaken in developing these objectives. Information regarding equality objectives must be published at least every four years.
- 4.5 In fulfilling its responsibilities, the Authority is also required to consider the information that it published before preparing its objectives. It should also

## **PREVENTING PROTECTING RESPONDING**

ensure the objectives are specific and measurable and set out how progress will be measured.

4.6 Key dates for the equality duty include:

**6 April 2011** general and specific duties come into force

**31 July 2011** listed bodies (except schools) to publish equality information

**31 December 2011** schools to publish equality information

**6 April 2012** listed bodies (including schools) to publish objectives

### **5 PREPARING FOR THE DUTY**

5.1 The Chief Fire Officer is undertaking the relevant preparations required for the implementation of the new equality duty. The Authority already has in place a Single Equality Scheme (SES) that incorporates the race, disability and gender duties and plans for religion or belief, Age and Sexual Orientation. The SES is currently under review to take into account the requirements of the Equality Act including the development of specific actions in relation to all of the protected characteristics within the Act, and will be subject to a further report.

5.2 Prior to the initial implementation of the Equality Act in October 2010, equality and diversity staff published a briefing for all employees. Specific briefings were also carried out with individuals where key elements of the Act would directly impact upon their department/area of work. All actions identified as part of this exercise have now been implemented, ensuring the Authority is fully complying with the Act.

5.3 Further staff briefings will be carried out during February and March 2011 regarding the new equality duty to ensure all staff are fully aware of its requirements.

### **6 RISK MANAGEMENT**

6.1 The EHRC's guidance is a practical explanation of what can be done to ensure authorities are meeting the equality duty. It does not have legal standing in the same way as the statutory Code of Practice on the public sector equality duty, which can be used as evidence in legal proceedings under the Act.

6.2 Public Authorities are recommended to use the Code of Practice as their key point of reference when seeking to clarify legal issues. The Code is due to be published later in 2011.

### **7 FINANCIAL IMPLICATIONS**

7.1 There are no financial implications in relation to this report.

### **8 EQUALITY AND DIVERSITY IMPLICATIONS**

8.1 Compliance with the equality duty is a legal obligation however it also makes good business sense. An organisation that is able to provide services to meet the diverse needs of its users should find that it carries out its core business more efficiently. A workforce that has a supportive working environment is

## **PREVENTING PROTECTING RESPONDING**

more productive. It is also beneficial to draw on a broader range of talent and to better represent the community we serve.

- 8.2 Compliance with the general equality duty should also result in better informed decision-making and policy development, and better policy outcomes. Overall, compliance can lead to services that are more appropriate to the user, and services that are more effective and cost-effective. This can lead to increase satisfaction with public services.

### **9 HEALTH AND SAFETY IMPLICATIONS**

- 9.1 There are no health and safety implications in respect of this report.

### **10 RECOMMENDATIONS**

- 10.1 Members are recommended to:
- a) Endorse the content of this report;
  - b) Receive further reports as appropriate.

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### **BACKGROUND PAPERS**

The under mentioned Background Papers refer to the subject matter of the above report:

- The essential guide to the public sector equality duty, Equality and Human Rights Commission [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
- The New Equality Duty, HR Committee, 19 October 2009
- The Equality Act 2010, HR Committee, 18 October 2010