



**SUBJECT: THE EQUALITY ACT 2010**

**JOINT REPORT OF THE CHIEF FIRE OFFICER, THE CLERK TO THE AUTHORITY,  
THE FINANCE OFFICER AND THE PERSONNEL ADVISOR**

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**1 INTRODUCTION**

- 1.1 Members will be aware that, following an extensive consultation period by central Government, the new Equality Act 2010 came into force on 1<sup>st</sup> October 2010. The Act applies to all organisations that provide a service to the public and to anyone who sells goods or provides facilities.
- 1.2 The purpose of this report is to inform members of the key features of The Equality Act 2010.

**2 BACKGROUND**

- 2.1 Although much has been done to make sure people are treated fairly in Britain there are still major challenges to be addressed in relation to equalities. For example, the pay gap between men and women, the low levels of black and minority ethnic and disabled people in employment, and poor life chances for young people in less wealthy families.
- 2.2 A range of research has highlighted that equalities legislation had become outdated, long and complex and focused on paperwork and box ticking. It tended to look at specific strands such as gender, race, sexual orientation, rather than viewing people as individuals with different characteristics for example a person could be male, disabled and gay which stretches across three strands.
- 2.3 Subsequently, the previous Government made a decision to revise and bring together the existing equality laws to make them clearer, stronger and easy to follow which has resulted in the Equality Act 2010.

**3 THE EQUALITY ACT**

- 3.1 The Equality Act is a major piece of legislation, bringing all of the current nine discrimination laws into one whilst streamlining and simplifying the legislation. It harmonises the definitions and exceptions and strengthens the law in order to tackle discrimination and inequality.
- 3.2 In summary, The Act includes the following:
- A new Equality Duty on public bodies
  - Bans age discrimination
  - Bans dual discrimination
  - Gender pay and equality reporting\*

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- Extends positive action\*
- Strengthens protection for disabled people
- Power to ban caste discrimination
- Socio-economic duty\*

\* Ministers are currently considering how to proceed with these areas.

3.3 The Act places a general duty to eliminate discrimination, harassment, and victimisation, advance equality of opportunity; and foster good relations. It includes specific duties to: publish data, assess impact, set equality objectives; report progress at least annually and also promotes transparency on data to drive culture change moving towards democratic accountability rather than bureaucratic, tick box type processes.

## 4 KEY CHANGES

4.1 The Equality Act protects people from discrimination on the basis of 'protected characteristics' (previously called 'grounds', or referred to as 'strands'). These are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and Civil Partnership
- Race
- Religion or belief
- Sex; and
- Sexual orientation

4.2 **The definition of 'disability' has changed** to 'a person who has a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.' To qualify for protection from discrimination, a disabled person no longer has to show that their impairment affects a particular 'capacity', such as mobility or speech, hearing or eyesight.

4.3 **The definition of 'gender reassignment' has changed** and will apply to 'a person who is proposing to undergo, is undergoing or has undergone a process to change their sex. A transgender person no longer has to show that they are under medical supervision in order to qualify for protection under the Act.

4.4 **Direct discrimination** has been extended to cover discrimination by association and perception in relation to all protected characteristics with the exception of Marriage and Civil Partnership and Pregnancy and Maternity. It is now recognised that direct discrimination can occur even though that person does not have the characteristic for example if they are treated less favourably because they are associated with someone who has a protected characteristic or because they are wrongly thought to have a particular protected characteristic.

4.5 **Indirect discrimination** now applies to disability and gender reassignment as well as the other protected characteristics. Whilst 'pregnancy and maternity' are not covered by indirect discrimination, policies and practices that put pregnant

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women and new mothers at a disadvantage could constitute unlawful indirect sex discrimination.

**4.6 Harassment** - Whilst the provision under harassment remains predominantly unchanged the harmonisation of the definition has included harassment on the association or perception of a protected characteristic.

**4.7 Victimisation** - The provision is substantially the same with the exception of removing the need for a claimant to identify a comparator.

### **5 NEXT STEPS**

5.1 The Chief Fire Officer is currently in the process of reviewing existing equality and recruitment policies to ensure they are consistent with the Act.

5.2 The majority of the Act came into force on October 1<sup>st</sup> 2010 with a few elements coming into force in November.

5.3 Consultation is currently underway regarding specific duties regarding the Public Sector Equality Duty until 10 November 2010 and it is envisaged that this will be implemented on 1 April 2011.

5.4 The age discrimination ban will come into force in 2012.

### **6 RISK MANAGEMENT**

6.1 A risk assessment has been undertaken to ensure that the risk to the Authority has been minimised as far as practicable. The assessment has considered an appropriate balance between risk and control; the realisation of efficiencies; the most appropriate use of limited resources; and a comprehensive evaluation of the benefits. The risk to the authority has been assessed as low utilising the standard risk matrix based on control measures being in place. The complete risk assessment is available on request from the Chief Fire Officer.

### **7 FINANCIAL IMPLICATIONS**

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

### **8 EQUALITY AND FAIRNESS IMPLICATIONS**

8.1 Equality and fairness implications in relation to the implementation of The Act are outlined in the main body of this report.

8.2 It is essential that the Authority continues to prepare for the implementation of all elements of the Act as and when they come into force to ensure policies and procedures are up to date and accurate in terms of legislative requirements.

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

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

### **10 RECOMMENDATIONS**

*Creating the Safest Community*

10.1 Members are is recommended to:

- a) Endorse the actions taken by the Chief Fire Officer;
- 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:

- National Equality and Diversity Strategy 2008-18.
- Government Equalities Office summary and guides – Equality Act 2010: What do I need to know? [www.equalities.gov.uk](http://www.equalities.gov.uk)
- Equality and Human Rights Commission detailed guidance at [www.equalityhumanrights.com](http://www.equalityhumanrights.com)