

**SUBJECT: THE NEW EQUALITY DUTY**

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

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**1 INTRODUCTION**

- 1.1 The purpose of this report is to advise members of the proposed implementation of the new Single Equality Duty, which will require public bodies to tackle discrimination and advance equality of opportunity, including reporting annually on their gender pay gap and considering using procurement to drive equality.
- 1.2 The Government Equalities Office (GEO) aim to commence the new Equality Duty, and for the regulations to come into force, in April 2011. This will allow sufficient time for public sector, business and other interested parties to prepare, and for comprehensive guidance to be provided by the Equality and Human Rights Commission and others prior to implementation.

**2 BACKGROUND**

- 2.1 The new Equality Bill, which is now going through Parliament, contains provision for a single Equality Duty. This will build on the existing gender, race and disability duties, and extend it to also cover age, sexual orientation, pregnancy and maternity, religion or belief and gender reassignment in full. The Duty requires public bodies to consider how their spending decisions, employment practices and the services they provide affect people from these groups. Moving away from specific duties requiring prescriptive processes and a tick box approach, this will allow for greater innovation and flexibility and help public bodies build the Equality Duty into their own organisational culture.

**3. THE NEW EQUALITY DUTY PROPOSALS**

- 3.1 The new Equality Duty proposals include:
- Public authorities should publish equality objectives, with reference to the relevant evidence and the requirements of the general duty, and set out the steps they intend to take to achieve them;
  - Public authorities should report annually on progress against their objectives at least every three years;
  - Public authorities with 150 or more employees should publish their gender pay gap figures, their black and minority ethnic employment rates and their disabled people employment rates;

## **PREVENTING PROTECTING RESPONDING**

- Public authorities should demonstrate how they have taken into account evidence of the impact on equality in the design of key policy and service delivery initiatives and what difference this has made.

3.2 The Government also propose a set of specific duties which will help public bodies to use public procurement to contribute to delivery of their equality objectives under the Equality Duty. These consist of requirements on contracting authorities to consider using equality criteria when awarding contracts, for example requiring public authorities bidding for a diversity training contract to report the proportion of black or minority ethnic people they employ.

### **4. CURRENT GOVERNMENT PROTECTION**

4.1 Over time the Government has already put in place anti-discrimination legislation. These include the first Race Relations Acts back in the 1960s to important steps toward equality for women in the Equal Pay and the Sex Discrimination Act in the 1970s, strengthening rights for disabled people in the 1990s to the banning of age, religion or belief and sexual orientation discrimination since 2000. In addition, over the past 9 years they have introduced pioneering legislation requiring public bodies to proactively root out discrimination in all they do.

### **5. CONSULTATION**

5.1 The Governments consultation paper sets out their proposals for the specific requirements, to be set out in secondary legislation, which will help the public bodies meet the new Equality Duty in an effective and proportionate way.

5.2 Members are therefore asked to consider, comment and subsequently approve the proposed response attached and agree that the Chief Fire Officer and the Chairman of the Authority submit the response on behalf of the Authority.

### **6. CONCLUSIONS**

6.1 Following the consultation, GEO officials will analyse the responses. They intend to publish a response to the consultation, setting out what people thought of their plans.

6.2 They will then consult on the draft regulations. They expect the duties to commence in April 2011.

6.3 The Equality and Human Rights Commission will also consult on its draft statutory code of practice, which it aims to be in place before the duties commence.

### **7. EQUALITY AND FAIRNESS IMPLICATIONS**

7.1 There will be equality and fairness implications in respect of the implementation of the New Equality Duty which will be subject of a further report.

**8. HEALTH AND SAFETY IMPLICATIONS**

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

**9. RECOMMENDATIONS**

9.1 Members are requested to:

- a) Consider, comment and approve the response to the consultation;
- b) Agree that the Chief Fire Officer and the Chairman submit the response on behalf of the Authority;
- c) Receive further reports as appropriate.

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**BACKGROUND PAPERS**

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

- GEO – Equality Bill: making it work Policy proposals for specific duties A consultation.
- CFOA response to Equality Bill Consultation for information August 2009

