

SUBJECT: PUBLIC SECTOR EQUALITY DUTY

JOINT REPORT OF THE CHIEF FIRE OFFICER AND THE PERSONNEL ADVISOR

1 INTRODUCTION

- 1.1 The purpose of this report is to appraise Members regarding actions undertaken in order to ensure the Authority is meeting the requirements of the Public Sector Equality Duty which came into force on 5th April 2011.

2 BACKGROUND

- 2.1 The Equality Act 2010 brings together all previous equality legislation in England, Scotland and Wales. It includes a new Public Sector Equality Duty (PSED) which replaced the separate duties relating to race, disability and gender equality.
- 2.2 The PSED came into force on 5 April 2011 and is made up of a general equality duty supported by specific duties. The specific duties require the Authority to publish sufficient information to demonstrate compliance with the general equality duty across its functions.
- 2.3 The general equality duty requires public authorities, in carrying out their functions, to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
 - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
 - Foster good relations between people who share a relevant protected characteristic and those who do not share it.

3 LEGISLATIVE REQUIREMENTS

- 3.1 In meeting the equality duty, public authorities are required to comply with their legal duties under:
- Section 149 of the Equality Act 2010 (the public sector equality duty), and
 - The Equality Act 2012 (Specific Duties) Regulations 2011.
- 3.2 In order to have due regard to the three aims of the general equality duty as outlined in 2.3, public authorities must understand the impact of their policies

and practices on people with protected characteristics. It is therefore essential that public authorities collect and analyse equality information including details of engagement, in order to develop this understanding.

3.3 Public authorities are therefore required to publish and monitor the following:

- Equality information regarding employees and the people to whom it provides a service by 31st January 2012. This information must be updated at least annually.
- Equality objectives that the Authority reasonably believes it should achieve to meet one or more aims of the general equality duty by 6th April 2012. It should also provide details of the engagement undertaken in developing these objectives. Information regarding the objectives must be published at least every four years.

4 EQUALITY DATA REPORT

- 4.1 An Equality Data Report which provides equality information about employees and the people to whom we provide a service was published by 31st January 2012 demonstrating compliance with the general equality duty as stated in 3.3.1 above. This is attached at Appendix A for the information of Members.
- 4.2 An internal and external consultation exercise is now being conducted regarding this equality information allowing the Authority to engage with key stakeholders regarding the data and to identify key equality priorities. Members are asked to consider the information and provide feedback as appropriate.
- 4.3 Analysis of this data, along with feedback received during the consultation process, will help to identify what the Authority's future equality objectives should be.
- 4.4 The Equality Data Report will be updated on an annual basis.

5 EQUALITY STRATEGY

- 5.1 A draft Equality Strategy 2011-2015, which replaces the Authority's Single Equality Scheme and Corporate Equality Plan, is currently being developed.
- 5.2 The new Equality Strategy is a four year overarching document. The Strategy is aligned to the Fire and Rescue Service Equality and Diversity Strategy 2008-18 and the Fire and Rescue Service Equality Framework, and will incorporate the annual Equality Data Report and the Authority's equality objectives.
- 5.3 In addition, the Strategy will include an equality action plan detailing what actions the Authority will take in order to address any gaps in equality data or any issues that arise through the analysis of such data.
- 5.4 The equality action plan will be reviewed on an annual basis alongside the Equality Data Report, and the Equality Strategy will undergo a comprehensive review every four years.

6 NEXT STEPS

Creating the Safest Community

- 6.1 The Chief Fire Officer will consider any feedback received from the Equality Data Report consultation and further develop equality objectives for the Authority, which will be subject to a further report.
- 6.2 A review of the process for the collection, analysis and publication of equality data will take place during 2012 to streamline this process and address any data gaps for the next reporting year.

7 RISK MANAGEMENT

- 7.1 Failure to meet the duties as described in section three of this report could result in legal proceedings. This in turn would have a negative impact on the reputation of the Authority.
- 7.2 In order to mitigate the above, work is well underway, as detailed in this report, to ensure the Authority meets the requirements of the PSED.

8 FINANCIAL IMPLICATIONS

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

9 EQUALITY AND DIVERSITY IMPLICATIONS

- 9.1 By collecting and using equality information the Authority will be better placed to understand the impact of its policies, practices and decisions on people with different protected characteristics, and therefore be able to plan these more effectively. It will be able to identify key equality issues for the organisation and ensure it is not discriminating unlawfully when carrying out any of its functions.

10 HEALTH AND SAFETY IMPLICATIONS

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

11 RECOMMENDATIONS

- 11.1 The Authority is recommended to:
- a) Endorse the actions to date;
 - b) Comment on the Equality Data Report as appropriate;
 - c) Receive further reports as appropriate.

BACKGROUND PAPERS

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

- The Public Sector Equality Duty, HR Committee Report, 21 February 2011.

- Tyne and Wear Fire and Rescue Authority Equality Data Report, July 2010 to July 2011.
- Equality information and the equality duty: A guide for public authorities, Equality and Human Rights Commission, Revised (second) edition, 19 December 2011.
- The Single Equality Strategy, HR Committee Report, 17 October 2011.