

## Equality Act 2010 – Public Sector Equality Duties

On the 12<sup>th</sup> January the Government published the Equality Act 2010 (Statutory Duties) Regulations (appendix) in response to the consultation process. This paper notes the aims of the general equality duty and sets out the required steps in undertaking the specific duties required to enact the general equality duty.

### Aims of the General Duty

In the exercise of their functions public authorities must 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 do and do not share a protected characteristic

**Foster good relations** between people who do and do not share a protected characteristic

### Specific Duties

#### 31 July 2011

Public authorities must publish information demonstrating compliance with general equality duty across its functions. This is to be an annual publication from the date of first publication. (Schools publish by 31 December 2011)

**Compliance** with the general duty means that:

- Decision makers must be fully aware of the implications of the duty when making decisions about their policies and practices
- The duty must be complied with before and at the time of decision making – NOT after
- Advancing equality must be influential in decision making and as such an integral part of the decision making process.
- Advancing equality is duly regarded when policies are implemented and reviewed

- Public authorities must ensure that third parties engaged in exercising their public functions must comply with the duty

**Advancing equality** involves

- Removing or minimizing disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

**Workforce Information**

Public authorities will have to publish information about the impact its policies and practices have on employees who share relevant protected characteristics.

Compliance means that **ALL** public authorities will have to collect and publish some workforce data in order to comply with the requirements. Organisations with 150 or more employees would be expected to publish the following

- the race, disability, gender and age profile
- an indication of likely representation on sexual orientation and religion and belief provided that no one can be identified
- an indication of any issues for transsexual staff based on engagement with transsexual staff or voluntary groups
- gender pay gap information
- grievance and dismissal

The Commission has stated that it would be useful if disaggregated information were published on

- return to work rates after maternity leave
- success rates of job applicants
- take-up of training opportunities
- applications for promotion and success rates
- applications for flexible working and success rates
- redundancy, retirement and other reasons for termination
- length of service / time on pay grade
- pay gap for other protected groups

**6 April 2012**

Public authorities must publish objectives that it should achieve to meet **one** or more aims of the general equality duty. This should include details about the engagement it undertook with 'people who it considers have an interest in furthering the aims of the general equality duty.'

The published objectives must

- show evidence of having considered the published information prior to setting objectives
- be specific and measurable
- include measurements of progress

Significant actions in complying with the Equality Act are

- Equality Analysis
- Publishing Information
- Setting, and publishing, equality objectives
- Engaging with people who are considered to have an interest in furthering equality

## **Brief Analysis**

Equality analysis is a steer away from what the Government considered to be formulaic, process-driven impact assessments. The aim of equality analysis is to demonstrate that the public authority understands the impact of their current policies and practices in relation to the general equality duty.

A public authority need only produce one equality objective.

There is no longer any statutory requirement to involve or consult certain groups but rather a requirement to engage with 'people that the public authority considers to have an interest in furthering equality.'