

Draft Scottish Specific Duties Consultation

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CRER 3.11.11

The General Duty.

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- • eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- • advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- • foster good relations between people who share a protected

Equality Act Sct 153

- (1) A Minister of the Crown may by regulations impose duties on a public authority specified in Part 1 of Schedule 19 for the purpose of enabling the better performance by the authority of the duty imposed by section 149(1).
- (2) The Welsh Ministers may by regulations impose duties on a public authority specified in Part 2 of Schedule 19 for that purpose.
- (3) The Scottish Ministers may by regulations impose duties on a public authority specified in Part 3 of Schedule 19 for that purpose.
- (4) Before making regulations under this section, the person making them must consult the Commission.

Equality Outcomes

- 'An outcome is the impact, or consequences for the community, of the activities of organisations or services over a number of years. Outcomes are the **result of what you do**, or what you enable communities to do for themselves, rather than descriptions of the activities or services you provide.' **SOA**
- "...a result intended to be achieved by the listed authority in order to further one or more of the objectives mentioned in para a-c of S149 of the EA, as a consequence of action taken by it in the exercise of its functions. **EA**

Impact Assessment

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- Welcome inclusion of review function regarding existing policies
- Welcome “due regard” paid to the results of assessments
- Welcome publishing duty
- Disagree with 5 (5) that EIA does not apply when a policy “*has no bearing on the listed authority’s ability to fulfil or otherwise the Sct 149(1) duty*”.

Employee Information

- Welcome extension to all protected characteristics
- “Development” will be as defined in the Disability Code
- Publishing duty could be clearer

Procurement

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- Section 9 (1)
- Contracting on “the basis of an offer which is most economically advantageous...”

Codes of Practice

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- Published
- Code of Practice on Equal Pay
- Code of Practice on Employment
- Code of Practice on Services, Public Functions and Associations
- Review in 2012.

Codes Pending or to be determined

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- Consultation on auxiliary aids and services duty
- Further & Higher Education
- Schools – Spring
- PSED Code
- Housing & premises
- Trade and Qualifications Authorities
- Transport

Guidance – Winter 2012

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- Short guide to the PSEDs.
- Equality Outcomes
- Evidence
- Involvement
- Assessing Impact
- Mainstreaming
- Employment
- Procurement

Other

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- EHRC Consultation on Strategic Plan 2012-15 closes 12th December
- Westminster consultation on the future of the EHRC, awaited
- “Red Tape Challenge” consultation, awaited.

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