

The Equality Act 2010

The Public Sector Equality Duty

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- ▶ Equality Act 2010 – culmination of previous legislation in England, Scotland and Wales;
- ▶ Evolved in order to place “general” and “specific” duties on public authorities.

The Public Sector Equality Duty

Prior to October 2010:–

- Race Equality Duty 2002
- Disability Equality Duty 2006
- Gender Equality Duty 2007

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Why Introduce The Duties?

- ▶ Anti-discrimination laws require the act to have taken place first
- ▶ Laws do not tackle institutional discrimination
- ▶ Individualistic approach with individual remedies
- ▶ Costly, cumbersome and complex

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- ▶ Extends existing provision for race, disability and sex to:–
- ▶ Age
- ▶ Religion and Belief
- ▶ Sexual Orientation
- ▶ Gender Reassignment
- ▶ Pregnancy & Maternity

The duty also covers marriage and civil partnership, but only for certain parts of the duty.

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- ▶ Guiding Principles of the General Duty

Public Authorities must have *due regard* to:–

- ▶ The elimination of unlawful discrimination, harassment & victimisation;
- ▶ Advance equality of opportunity between people who share a protected characteristic and those who do not.
- ▶ Foster good relations between people who share a protected characteristic and those who do not.

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- ▶ In particular, advancing equality for those with protected characteristics means having due regard to:
 - Removing or minimising disadvantages
 - Taking steps to meet specific needs
 - Encouraging participation in public life

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- ▶ What does “due regard” mean?
- ▶ Public Authorities have to give consideration (*and show that they have given consideration*) to the impact that a decision or change in policy has on groups that share a protected characteristic.

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Implications for Public Authorities:–

- ▶ the general duty requires organisations to think about how they can make a positive contribution to equality, e.g training, sensitive management procedures
- ▶ the general duty should always be the primary objective for the employer.

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Who does the General Duty apply to:–

- ▶ applies to named organisations listed in the Equality Act itself.
- ▶ This includes most public sector employers such as health boards, local councils, schools, and government departments.
- ▶ *It is important to understand that these bodies cannot outsource their responsibilities to meet the general duty.*

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The Specific Duties:–

- ▶ a more detailed set of actions which are intended to help public authorities comply with the general equality duty.

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- ▶ The Scottish Parliament and the Welsh Assembly have powers to vary the specific duties.
- ▶ England – introduced in July 2011
- ▶ Wales – introduced in March 2011
- ▶ Scotland – currently consulting

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England

- ▶ Publish Equality Objectives
- ▶ Publish information to demonstrate compliance with Equality Duty

Wales

- ▶ Publish Equality Objectives
- ▶ Strategic Equality Plans
- ▶ Engagement
- ▶ Assessing impact

Scotland

- ▶ Publish equality outcomes
- ▶ Involvement of Equality Groups
- ▶ Assessing impact

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England

Wales

- ▶ Equality information
- ▶ Employment information
- ▶ Pay differences
- ▶ Staff training
- ▶ Procurement

Scotland

- ▶ Gathering and Publishing employment data
- ▶ Procurement –Only exploring at this stage

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England

Wales

Scotland

- ▶ Annual reporting
- ▶ Publishing
- ▶ Welsh Ministers' reporting
- ▶ Review
- ▶ Accessibility

- ▶ Not clear
- ▶ Publishing
- ▶ Scottish Ministers' duty
- ▶ Not clear
- ▶ Accessibility