

11 February 2015

Finance and Resources Committee

Meeting the Public Sector Equality Duty

Report of: *Ashley Culverwell, Head of Borough Health, Safety and Localism*

Wards Affected: *All Brentwood Borough Wards*

This report is: *Public report*

1. Executive Summary

- 1.1 A report was presented to Overview and Scrutiny Committee on 29 February 2012 which set out the new Equality Act 2010 and the implications for Brentwood Borough Council. Brentwood Borough Council has a duty to comply with the Equality Act 2010 as part of the Public Sector Duty. The report before Members provides an update on this previous report about how the Council is currently complying with the Equality Act (Appendix A) and also sets out how Brentwood Borough Council will look to meet its Equality Objectives as set out in Appendix B of this report.

2. Recommendations

That Members agree to:

2.1 Note the updated report on how the Council is currently complying with the Equality Act in Appendix A.

2.2. Officers developing an action plan by April 2015 to ensure the Council meets its Public Sector Equality and Diversity Objectives in Appendix B.

3. Introduction and Background

- 3.1. A previous report that went to Overview and Scrutiny Committee on 29 February 2012 which set out how new Equality Act 2010 replaced the previous anti-discrimination laws with a single Act. It simplified the law, removing inconsistencies and making it easier for people to understand and comply with. It strengthened the law in important ways, to help tackle discrimination and inequality. The majority of the Act came into force on 1

October 2010. The key remaining issue of the Act was the public sector Equality Duty which came into force on 5 April 2011.

- 3.2.** The aim of the Equality Duty is to embed equality considerations into the day to day work of public authorities, so that they tackle discrimination and inequality and contribute to making society fairer.
- 3.3.** The Equality Duty consists of a **general duty**, with three main aims (set out in section 149 of the Equality Act 2010); and **specific duties** (set out in secondary legislation to accompany the Equality Act 2010). The specific duties are designed to help public bodies meet the general duty.
- 3.4.** The Equality Duty replaces the three public sector equality duties - for disability, race, and gender. The Equality Duty covers the following protected characteristics:
- age
 - disability
 - gender reassignment
 - marriage and civil partnership (but only in respect of eliminating unlawful discrimination)
 - pregnancy and maternity
 - race – this includes ethnic or national origins, colour or nationality
 - religion or belief – this includes lack of belief
 - sex
 - sexual orientation.
- 3.5** The general duty has three aims; it requires public bodies to have due regard to the need to:
- **eliminate unlawful discrimination**, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
 - **advance equality of opportunity** between people from different groups; and
 - **foster good relations** between people from different groups
- 3.6** The specific duties that came into force on 10 September 2011, required public bodies to:
- publish information to show their compliance with the Equality Duty, at least annually; and
 - publish their equality objectives, at least every four years.
- 3.7** All information must be published in a way which makes it easy for people to access..
- 3.8** It requires public bodies to set specific measurable equality objectives and to publish relevant evidence of compliance with the Equality Duty. This

means that the information they publish must show that they consciously thought about the three aims of the Equality Duty as part of the process of decision making. The information published must include:

- information relating to employees who share protected characteristics (for public bodies with 150 or more employees); and
- Information relating to people who are affected by the public body's policies and practices who share protected characteristics

3.9 Information must be published annually. It is up to each public body to decide for itself what information it publishes to show its compliance with the Equality Duty. Most public bodies, look at what is published already, and consider whether this gives a reasonable picture of progress on equality issues affecting its employees and service users. Information about employees could include:

- the make-up of the overall workforce;
- the gender pay gap and pay equality issues more generally for the public body;
- recruitment and retention rates for staff with different protected characteristics;
- applications for flexible working and their outcomes for different protected characteristics;
- applications for learning and development opportunities and their outcomes for staff with different protected characteristics;
- grievances and disciplinary issues for staff with different protected characteristics

3.10 Published information could also include details of policies and programmes that have been put in place to address equality concerns within the workforce, and information from staff surveys

3.11 Information about policies and services could include:

- the number of people with different protected characteristics who access and use services in different ways;
- customer satisfaction levels and informal feedback from service users with different protected characteristics and results of consultations;
- Complaints about discrimination and complaints from people with different protected characteristics;
- Service outcomes for people with different protected characteristics

3.12 Equality objectives

3.13 Public bodies must publish equality objectives that will help them further the aims of the general duty. These must be based on published equality evidence and analysis, and they must be specific and measurable. Public bodies must also publish how they will measure progress towards the

equality objectives. These objectives should further the three aims of the Equality Duty and be published at least every four years.

4 Issue, Options and Analysis of Options

4.1 In setting the objectives, the following have been taken into account:

- What evidence it could use to inform the objectives, from both internal and external sources;
- What type of equality issues are raised by its staff and customers
- Where evidence indicates that equality performance is poor;
- What objectives could be set the organisation to perform better on equality issues in key areas;
- Whether there is scope to benchmark equality information and objectives against similar public bodies;
- The people the organisations it would be useful to talk to in the process of setting the objectives;
- Whether to set short term, medium term or long term objectives in different areas;
- How Progress against the objectives will be measured

4.2 When publishing information, public bodies need to make sure that it is accessible and useful. In particular it should be easily found; published as quickly as possible after the collection; be detailed as possible; and be freely available for reuse by the public.

4.3 The information can be published as part of a business plan rather than a separate document.

4.4 The Equality and Diversity Action Plan that will ensure that the requirements for the Council to comply with the Public Sector Equality Duty, is currently be reviewed under the Equality and Diversity Objectives set out in Appendix B. It is anticipated that this Action Plan will be completed by April 2015.

5 Reasons for Recommendation

The Council has a legal duty to publish its Equality Objectives and also to publish information on how it is complying with the Public Sector Equality Duty.

6 References to Council Priorities

The Public Sector Equality Duty sits across a number of Council priorities, but in particular – Modern Council- meeting 80% of the needs of our customers.

7 Implications

Financial Implications

Name & Title: Jo-Anne Ireland, Acting Chief Executive

Tel & Email 01277 312712 / jo-anne.ireland@brentwood.gov.uk

The Partnership, Leisure and Funding Manager is the named lead officer for Equality and Diversity in the organisation, and is resourced through existing budgets.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

Tel & Email: 01277 312860 christopher.potter@brentwood.gov.uk

The Council has a duty to comply with the Equality Act 2010 (see Equality and Diversity implications, section 7) The Equality and Human Rights Commission is responsible for assessing compliance with the specific duties, and for their enforcement, As with the Equality Duty, it has powers to issue a compliance notice to a public body that it believes has failed to comply with the specific duties, and can apply to the courts for an order requiring compliance.

Unlike the Equality Duty, the specific duties cannot be enforced by judicial review.

Equality and Diversity implications – The Equality and Diversity Implications are set out in the report.

8 Appendices

Appendix A –How Brentwood Borough Council is meeting the Public Sector Equality Duty

Appendix B - Equality and Diversity Objectives

9 Background documents

9.1 Equality Act 2010

Report Author Contact Details:

Name: Kim Anderson

Telephone: 01277 312634

E-mail: kim.anderson@brentwood.gov.uk