

Briefing on the Government Equalities Office Policy Proposals on Specific Duties consultation

September 2009

This briefing has been written by the National Equality Partnership, which supports the third sector on equality and human rights. We have written this briefing to highlight key areas relevant to the third sector where the Government Equalities Office is proposing changes to the current equality law.

This briefing contains the following sections:

- What is the consultation
- Having your say
- How the consultation came about
- Key issues in the consultation
- Next steps
- About the National Equality Partnership

If you have any questions about this brief or want to discuss the issues involved further, contact Ange Jones on 0207 324 3034 or ange@wrc.org.uk.

If you would like this briefing in any other format, please contact ange@wrc.org.uk.

What is the consultation?

The Government Equalities Office (GEO) has published a proposed new set of specific duties for public authorities, as part of a new Public Sector Equality Duty to be introduced under the Equality Bill. The new Public Sector Equality Duty will replace the three existing duties (relating to race, gender, disability) with a single duty covering the protected characteristics of race, sex, pregnancy and maternity, gender reassignment, disability, age, sexual orientation and religion or belief.

The consultation is your chance to shape these specific duties. The GEO is seeking views on what should be in the specific duties and on the criteria for deciding which public bodies should be subject to them.

Having your say

The consultation is open until Wednesday 30th September 2009. You can read the full GEO Policy Proposal document at http://www.equalities.gov.uk/news/specific_public_sector_equalit.aspx, including the consultation questions.

The Equality and Human Rights Commission is also developing what it thinks about the specific duties. If you wish, you can share your views on the GEO proposals with EHRC by sending your comments and responses to them by email with the subject line 'Equality

Duty responses' at the following address:
equalitydutyresponses@equalityhumanrights.com

How the consultation came about

- The government has been discussing introducing a new law to simplify equality legislation for several years, from before the Equality and Human Rights Commission (EHRC) was set up.
- This discussion included a paper and consultation called the Discrimination Law Review in 2007.
- Following this, the government published the Equality Bill on April 28th of this year. The Equality Bill proposed a new general Public Sector Equality Duty on public authorities to replace the three existing equalities duties.
- In June 2009, the Government Equalities Office published its policy proposals for these changes. The consultation document is called 'Equality Bill: Making it Work. Policy proposals for specific duties.'

Now	New law
<p>Most public bodies have a general duty to take a proactive approach to discrimination and inequality on the grounds of race, gender (including gender reassignment) and disability.</p>	<p>Most public bodies will have a general duty covering race, gender (including gender reassignment), disability, age, sexual orientation and religion or belief.</p> <p>The duty will require public authorities to have due regard to the need to:</p> <ul style="list-style-type: none"> a) eliminate discrimination, harassment, victimisation. b) advance equality of opportunity between people who share a protected characteristic and persons who do not share it. c) foster good relations between persons who share a protected characteristic and persons who do not share it.

Key issues in the consultation

The National Equality Partnership has considered what it views as the key issues relevant to the third sector.

Equality impact assessments

An equality impact assessment is a process of evaluating the likely impact of a particular decision or policy. An impact assessment is carried out so that the organisation

- can ensure equalities groups are not disadvantaged by its decision or policy, and
- can identify where and how the body can promote equality of opportunity.

Last year Southall Black Sisters challenged the withdrawal of their funding by Ealing Council by taking them to court because they hadn't carried out the race equality impact assessment properly. They were successful and have not had their funding cut. For further information see <http://www.southallblacksisters.org.uk/savesbs.htm>

Now	New law
<p>A public body, when thinking about a decision or policy that is likely to have an effect on race, gender or disability, has to carry out an impact assessment.</p> <p>Public bodies are given the impact assessment process they must follow.</p>	<p>Public bodies will not have to carry out impact assessments when thinking about a decision or policy but will have to show how they have taken into account the impact on equality when planning new key policies and service delivery ideas.</p> <p>Public bodies will be free to choose the process by which they do this.</p>

From equality schemes to equality objectives

An equality scheme is an action plan which formally states how a public body will fulfil its general equality duties by promoting equality and diversity and addressing discrimination.

Now	New law
<p>Public bodies have to write and publish equality schemes setting out how they will promote equality in the areas of disability, gender and race.</p> <p>Public bodies need to put into action its scheme within three years of publishing it.</p> <p>Public bodies must report on the scheme in relation to gender and disability equality</p>	<p>Public bodies will not have to write or publish equality schemes. Instead, they will have to set and publish equality objectives, or outcomes.</p> <p>Public bodies will not be required to set equality objectives for each of the protected groups.</p> <p>Public bodies will report each year on their</p>

<p>every year.</p>	<p>objectives but how they report will not be outlined. The objectives will then be reviewed every three years.</p> <p>The Equality Bill will also allow individual Ministers to direct public bodies to develop their equality objectives taking into account certain priority areas.</p>
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Involvement and Consultation

Now	New law
<p>Within their race equality schemes, public bodies must set out how they will consult on the likely impact of its proposed policies on the promotion of race equality.</p> <p>When preparing their gender equality schemes, public bodies must consult its employees, service users and others likely to be affected.</p> <p>When developing their disability equality duty, public bodies must involve disabled people who have shown an interest in the way the body carries out its functions.</p>	<p>Public bodies will not have a legal duty to involve or consult the protected groups of race, gender, disability, age, sexual orientation and religion or belief when choosing which of their functions are most relevant to the new general Equality Duty. Instead, public bodies are directed to <i>take reasonable steps</i> to involve and consult the protected groups.</p>

Equality Training

Now	New law
<p>Currently, the Race Equality Duty requires public bodies to train all staff in race equality awareness.</p>	<p>Public bodies will not have to train staff in race equality awareness or any other equality training.</p>

Procurement

Public bodies spend more than £175 billion every year in contracts for works, goods or services and there is an increasing trend for delivery of public services through contracting out.

The government is proposing specific duties to help public bodies to use public procurement to contribute to the delivery of their equality objectives.

Next steps

Following the close of the consultation on **30 September 2009**, the Government Equalities Office intends to publish a response to the consultation, setting out what people have thought of their plans. A consultation will then be held on the draft regulations, or rules, for the specific duties.

It is expected that the specific duties will start in April 2011.

The National Equality Partnership will be writing its own response to the GEO consultation. To receive a copy of our response please email equality@wrc.org.uk to receive our regular email news bulletin.

About the National Equality Partnership

The National Equality Partnership supports the third sector to challenge inequality and promote equality and human rights. It is a three year project (2008-11) funded by Capacitybuilders under the Improving Support Programme. Our national programme covers the whole of England.

We offer training, information and one-to-one support to umbrella organisations to help them challenge disablism, homophobia, racism, sexism and other forms of discrimination and human rights abuse. All of our work promotes collaboration and partnerships, sharing expertise and encouraging long-term relationships between equalities organisations and the wider third sector.

We believe that organisations run by people with direct experience of inequality and discrimination play a unique and vital role in creating lasting solutions to inequality. At NEP we ensure that all work to address equality, diversity and human rights in the third sector is done with close involvement of equalities organisations.

Our work is closely informed by our reference group encompassing all equalities sectors as well as generalist organisations. The partnership of NEP is made up of:

- Women's Resource Centre (WRC)
- Voice4Change England
- Consortium of Lesbian, Gay, Bisexual and Transgender Voluntary and Community Organisations
- National Association for Voluntary and Community Action (NAVCA)

Women's Resource Centre is the lead partner with core staff based at our London office.

