

Getting the best out of the Equality Bill: the single equality duty and proposals for specific duties

Some issues for the voluntary sector

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Equality Bill – Public Sector Equality Duty (the ‘general duty’)

- New single equality duty
- Meant to apply to all 8 ‘protected characteristics’
 - Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation

Equality Bill – Public Sector Equality Duty (the ‘general duty’)

Public authorities in all they do must have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation
- b) Advance equality of opportunity
- c) Foster good relations

for all 8 groups

Equality Bill: Power to impose specific duties

- By regulations
- Listed public authorities
- To assist those public bodies to carry out their general duty more effectively

Specific duties: some issues to consider in responding to government proposals

1. How are public bodies using current specific duties? - survey results
2. Should the equality duties on public authorities be reduced?
3. Will the proposals lead to better performance of the general duty for all 8 protected groups?

Survey: costs and benefits of current specific duties

- Majority of authorities said specific duties are cost effective, not overly bureaucratic or burdensome and have improved decision-making
- Particularly effective:
 - Producing equality schemes
 - training staff
- More than half said equality impact assessments are effective, change the way they think

Survey: costs and benefits of current specific duties - recommendations

- Don't change core requirements too much
- Continue to base actions on evidence of inequality
- Encourage focus on outcomes and local co-operation
- Impact assessments should suit what authority does
- Increase focus on equality in contracted out services

Which public authorities?

- Starting point: all public authorities currently covered by race, disability or gender specific duties
- Any other main public authorities
- Then consider other criteria:
 - Size?
 - Budget?
 - Impact on all, or some, protected groups?

What specific duties?

Proposal: duty to set equality 'objectives' - no requirement for an equality scheme

- Equality 'objectives' : possible problems
 - may not touch all that the public body does?
 - may not cover all protected groups ?
 - no consistency of approach – more difficult for local bodies to co-operate?

What specific duties?

Proposal: to replace duty to carry out equality impact assessments with duty to show how they had taken evidence of equality impact into account .

- Will this ensure equality issues are considered in policy decisions?
- Will this achieve the same change in how public bodies think about equality?

What specific duties ?

Proposal: employers with 150+ employees to report on:

- Gender pay gap - based on median figures?
- Ethnic minority employment rate
- Disability employment rate
- Employment issues for other protected groups?
- What steps should be taken once data are published?

What specific duties ?

Equality in public procurement

- How public bodies spend their money - buying goods, works, services – is central to the general duty
- Public bodies should not spend public money to support discrimination but instead should be expected to use their purchasing power to promote equality

What specific duties ?

Proposal: to include procurement in meeting equality 'objectives'

Also need specific equality duties for each stage of the procurement process:

- Planning
- What intend to buy
- Selecting who can bid
- Awarding the contract
- Conditions for performance of the contract
- Monitoring contractors' equality performance

Consultation and involvement

- Consultation and involvement: with whom?
- Why? So that public bodies understand needs of different groups when they try to meet their general duty and other specific duties
- When? At every stage
- How should they consult/involve relevant people and organisations?