

Public Sector Equality Duties

What are the public sector duties?

The duties are unique pieces of equality legislation. They give public bodies legal responsibilities to demonstrate that they are taking action on race, disability and gender equality in policy-making, the delivery of services and public sector employment.

The duties mean that public bodies have to take action to deliver better outcomes for people of different racial groups, disabled people and men and women, including transsexual men and women. The duties require public bodies to take steps not just to eliminate unlawful discrimination and harassment, but also to actively promote equality.

The duties also provide a framework to help public bodies tackle persistent and long-standing issues of disadvantage, such as the high incidence of disability hate crime and the gender pay gap.

There are three separate duties for race, disability and gender but they are similar in their spirit and intention. Where differences do exist between the different duties, these reflect the differing nature of discrimination faced by different groups and the lessons learned from the introduction of earlier duties.

In the planned Equality Bill, these three duties are due to be harmonised into one new duty, which will cover all seven equality strands: age, disability, gender, gender identity, race, religion or belief and sexual orientation.

The earliest that these changes will come into full force is the end of 2011. Until then it is important that public bodies continue to meet their existing obligations and use the duties to improve the impact of their work. In order to prepare for the new duty public bodies should also start collecting information on the groups covered by all seven equality strands.

What are the benefits of the duties?

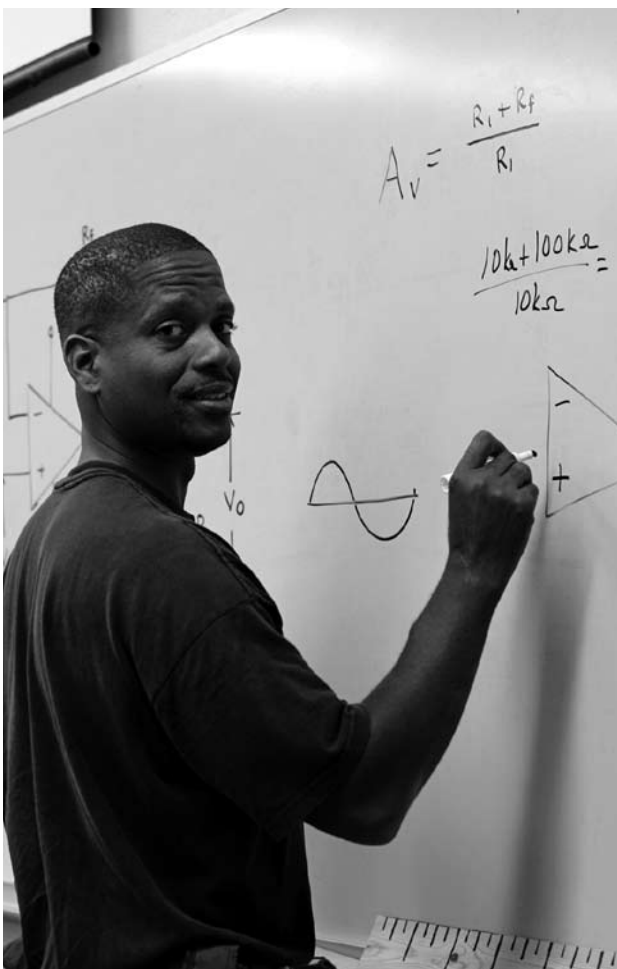
The duties mean public bodies have to go beyond a 'one size fits all' approach and develop and deliver services that meet the needs of all service users. This in turn should lead to far more effective focusing of public funds and increased access to, and satisfaction with, public services.

The duties also provide a strategic and systematic means of tackling major entrenched disadvantage and equality gaps in all public service areas including health, education, criminal justice and local citizenship and participation.

They also increase accountability, as users of public services can rely on the duties to challenge public bodies about the action they are taking.

What sort of difference can the duties make?

Public bodies can use the duties to take action on such issues as violence against women, the over-representation of those with mental health conditions within the criminal justice system, and the disparity of education attainment rates between different groups of boys and girls.



Who do the duties apply to?

The 'general duties' to eliminate discrimination and promote equality apply to the vast majority of public bodies in Great Britain. In some circumstances, they also extend to some public service providers from the private and voluntary sectors.

In addition to the general duties, the majority of key public bodies (such as all government departments, inspectorates, health bodies, local authorities, police services and educational institutions) are also subject to a series of 'specific duties'. These are a series of steps that they must take to enable them to meet their overall legal obligations under the general duties. The five steps set out below summarise these obligations.

Taking these 5 key steps will help public bodies achieve better outcomes and meet the duties:

- Gather information on how your work affects different racial groups, disabled people and men and women, including transsexual men and women.
- Consult employees, service users, trade unions and other stakeholders, and involve disabled people.
- Assess the impact of your policies and practices.
- In the light of this evidence decide what your priorities for taking action should be.
- Take the action that will deliver the best outcomes in race, disability and gender equality.

Full details of which public bodies are covered by the duties, the full legal requirements and the steps that public bodies have to take is contained within the statutory Codes of Practice that can be found on the Commission's website at: www.equalityhumanrights.com/publicsectorduties



How will the duties be monitored and enforced?

The Equality and Human Rights Commission has a range of legal powers which it can use to enforce the duties, through the courts if necessary. When deciding whether a public body has met its legal duties, the Commission will be looking for public bodies to be able to demonstrate:

- **how** they arrived at their priorities for action (i.e. what evidence they have gathered and used);
- **what outcomes they are trying to achieve;** and
- **how** successful they have been in achieving the outcomes.

The Commission is expecting public bodies to use the duties to help them improve their evidence base for developing policy and delivering services, and to enable them to continuously improve the impact of their work.

The Commission is also working with Inspectorates to ensure that equality outcomes are reflected in their assessment frameworks and performance ratings.

The Commission adopts a strategic approach to enforcement, focusing our efforts on issues where we can bring about positive change with maximum and lasting impact. The Commission is often able to settle the matter without resorting to the courts, and will provide opportunities for the public authority to comply without enforcement action, but will pursue formal legal action where public bodies do not take sufficient steps to comply with the duties.

In ensuring the duties work for your organisation it is often helpful to consider how others have done it. Here are a few examples:

Cardiff City Council Black and Minority Ethnic Leisure Project

Cardiff City Council's Culture, Leisure and Parks Service responded to the feedback of customers during the engagement programmes for their 2005/8 and 2008/11 race equality schemes to target culturally-sensitive services to ethnic minority communities. The pioneering BME Leisure Project, shortlisted by Excellence Wales and winner of the 2008 Wales Diversity Awards Public Sector Category has introduced a huge range of initiatives including Muslim women's swimming, Dads and Lads sessions, culturally-sensitive gym inductions and Bollywood dancing. It has led to the creation of a number of BME-specific sports development posts, the sponsorship by the Council of Show Racism the Red Card, and a simplified process for BME groups to access sports grant funding called the Physical Activity Challenge.



Tayside Police SMS Text Messaging Service

During the development of their Disability Equality Scheme in 2006 Tayside Police found that contact with the Force Communication Centre (FCC) was not as accessible for deaf and hard of hearing people as it was for hearing people. Following research, carried out with the Sound Sense Project into a similar system in use in Fife Constabulary, Tayside introduced its SMS Text Messaging Service in June 2008.

Deaf Awareness Days were organised in Partnership with Tayside Deaf Association and Sound Sense which brought together public bodies and the voluntary sector to promote registration and uptake of the scheme. These project partners were also instrumental in building a database of potential users of this service. Registrants have agreed to share their contact details with other relevant agencies, for example local authorities, to help improve accessibility of their services as well.

Approximately 70 deaf or hard of hearing people have registered for the service. The next stage of the project is to develop a short online video in British Sign Language (BSL) promoting the availability of the Text Messaging Service.

Equality Impact Assessment of regeneration services provides targeted help for women entrepreneurs

As part of the review of Rotherham's regeneration strategy, staff looked at the take-up of business start-up advice. Women were under-represented in using the service. As a result, staff worked with the Chamber of Commerce, the Council's *Inward Investment and Regeneration Team* and the economic development theme board of the local strategic partnership to encourage women to develop and carry through their ideas. Innovative 'Dragon's Den' type programmes have proved successful in helping local women realise their ambitions.

Where can you find out more?

The Commission's website contains all the information you need about the duties including more details on the specific requirements of each. You can find a range of guidance documents, including the statutory guidance contained within the Codes of Practice, and a number of other resources at:

[www.equalityhumanrights.com/
publicsectorduties](http://www.equalityhumanrights.com/publicsectorduties)

You can find out more about the Commission or get in touch with us for further information and assistance via our website at:

www.equalityhumanrights.com

or by contacting our helplines 9am–5pm, Monday to Friday, except Wednesday 9am–8pm:

England

FREEPOST RRLG-GHUX-CTR
Arndale House
Arndale Centre
Manchester M4 3AQ

Telephone: 0845 604 6610
Textphone: 0845 604 6620
Fax: 0845 604 6630

Scotland

FREEPOST RSAB-YJEJ-EXUJ
PO Box 26961
Glasgow G2 9DU

Telephone: 0845 604 5510
Textphone: 0845 604 5520
Fax: 0845 604 5530

Wales

FREEPOST RRLR-UEYB-UYZL
3rd Floor
3 Callaghan Square
Cardiff CF10 5BT

Telephone: 0845 604 8810
Textphone: 0845 604 8820
Fax: 0845 604 8830