

**Equality and
Human Rights
Commission**

equalityhumanrights.com

The Challenge for Local Authorities, Public Bodies & Employers

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Content

- Equality & Human Rights Commission
- Understanding the Public Sector Duties
- The Business Case for Equality

A new single Equality Commission

- EHRC opened its doors on October 1 2007
- Statutory body created under the Equality Act 2006
- Roles and responsibilities of previous equality commissions- CRE, DRC and EOC plus sexual orientation, religion and belief, age and human rights
- Our Vision: *A society built on fairness and respect. People confident in all aspects of their diversity.*

New Areas of Responsibility

- Sexual Orientation
- Faith and belief
- Age
- Human Rights



Key Roles

- Regulator – Enforcing the law
- Influencing legal developments and government policy
- Promoting good practice
- Campaigns, events and communication
- Developing understanding and evidence

Focus

- Ensure full compliance with statutory duties
- Promote and develop good practice
- Shape debates and policy development
- Influence the next generation of equalities legislation

Public Sector Duties - Dual Role

- Providing detailed guidance and advice
- Monitoring performance

Public sector duties

- Three PSDs- Race, Disability and Gender
- General duty common elements: eliminate discrimination and harassment, and promote equality
- Differences:
 - Race: promote good relations
 - Disability: promote positive attitudes, encourage participation in public life, take steps to account of disabled person's disability, even if more favourable treatment

Public Sector Duties

- Introduced at different stages- race from 2002, disability and gender later, 2006 and 2007
- Different requirements, but similar in spirit and intention.

Race Equality Duty

Schools, Further and Higher Education institutions must produce a race equality policy-

1) A written statement of their policy for promoting race equality

2) Have in place arrangements and actually to fulfill the requirements of the duty. This includes:

- Assessing the impact of their policies
- Ethnically monitoring the admission and progress
- Publishing annually the results of their monitoring and impact assessments

Disability Equality Duty

- Publish a Disability Equality Scheme:
 - Involve disabled people in production of scheme
 - Information gathering
 - impact assessment
 - Action to meet general duty (the action plan)
 - Arrangements for reviewing the effectiveness of the action plan and using the information to review the scheme
- Report on progress
- Review and revise scheme

Gender Equality Duty

- Set and implement gender equality objectives, published in a scheme and action plan
- Consider setting gender pay gap objectives
- In order to set those objectives:
 - gather and use information on how your work affects gender equality
 - consult relevant stakeholders
- Gender impact assessment of all policies and practices – new and existing
- Report annually and review every three years

Overarching Ambition – Changing Outcomes

- Not about simply changing processes – although this is necessary
- Not just about changing perceptions
- Shifting resilient differential outcomes of key communities and groups

What are the specific duties?

- Essentially steps to meet the general duties
- Apply to all listed public authorities
- Common requirements for all three duties

Single Equality Schemes

- Legally can produce one scheme to cover all three duties but...
- Schemes must **meet distinct requirements of each duty**, indicate clearly the elements of duties, and what action is to be taken to address all duties
- Where a requirement more demanding, consider “levelling up”

Evidence Base

- The duties require public authorities to be collecting sound equalities data
- Using this to plan and prioritise activities
- Identify gaps and differential outcomes in existing delivery
- Inform changes to policy and delivery

Prioritisation & Action Planning

- Making sure that you are focusing on the most relevant aspects of your work
- Evident that the rationale for action planning is evidenced based

Equality Impact Assessments

Build a consideration of equality into all relevant functions:

- Service delivery
- Procurement – including funding
- Policy making
- Employment

EIAs

- Expect all public authorities to be systematically carrying out Equality Impact Assessments
- Rigorous & robust
- EIA should be leading to significant changes to new and proposed policies

Involvement

- Genuine involvement
- Proactive steps to increase involvement
- All stages of the policy and service development process

Our Expectations

Full compliance in respect of:

- Equality Policies & Schemes
- Equality Impact Assessments
- Monitoring existing policies
- Involvement
- Gender Pay Gap

Compliance

- We expect full compliance
- Failure to comply will lead to legal action
- We will name organisations which are subject to legal action
- On-going and proposed MOUs with inspection, regulation and funding bodies

Legal Update

- Series of legal cases involving poor decision making
- Commission has intervened on duties aspects
- Cases in relation to failure of public authorities to carry out sufficient EIAs
- Damage to reputation
- Increasing risk

The Business Case for Equality

- Meeting the requirements of the public duties will lead to better policies and services
- Ensure sound data collection
- Enable you to plan what you do and how you do it
- Development of better policies & strategies
- Greater involvement of service users in policy development
- Improved service delivery & satisfaction

Keys to Success

- Leadership - Senior management taking an active role in driving organisational change
- Stakeholder involvement – including ‘critical friend’ feedback
- An approach that goes beyond the current requirements
- A honest and rigorous approach