

Public Sector Equality Duty

Report of the Chief Fire Officer

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1 Purpose of Report

This report informs Human Resources Committee of the requirements placed on the public sector under Section 149 (S149) of The Equality Act 2010. S149 replaced similar separate public sector equality duties relating to race, gender and disability discrimination and extends coverage of the duty to the other protected characteristics of age, sexual orientation, religion of belief, pregnancy and maternity and gender reassignment.

2 Recommendations

The Committee is asked to note the content of this report

3 Background

The public sector equality duty requires public authorities to have due regard to three specific matters:

- a) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under The Act
- b) the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The duty only applies to the protected characteristic of marriage and civil partnership in respect of (a) the requirement to eliminate prohibited conduct.

4 The Equality Act 2010 (Specific Duties Regulations) 2011

These regulations require public authorities to do three things, namely:

- “publish information to demonstrate its compliance with the duty not later than **31 January 2012** and at least annually thereafter”
- “publish information relating to persons who share a relevant protected characteristic who are affected by their policies and practices. Public authorities with 150 or more staff are also required to publish this information in relation to their employees.”
- “prepare and publish one or more specific and measurable equality objectives that it thinks it should achieve to further the aims set out in the duty. They are required to publish these objectives no later than **6 April 2012** and at least every 4 years thereafter.”

There is draft guidance regarding the regulations available from the Equality and Human Rights Commission which further indicates that for bodies with 150 staff or more the normal expectation would be to see:

- I. the race, disability, gender, age breakdown and distribution of your workforce
- II. indication of likely representation on sexual orientation and religion or belief, provided that no individuals can be identified as a result
- III. an indication of any issues for transsexual staff, based on your engagement with transsexual staff or voluntary groups
- IV. gender pay gap information.

The Commission’s guidance also states that, given their size, it may be proportionate for larger bodies such as county and city councils, and Whitehall departments, to provide staff information disaggregated by protected group on:

- success rates of job applicants
- take-up of training opportunities
- applications for promotion and success rates
- applications for flexible working and success rates
- return-to-work rates after maternity leave
- grievance and dismissal
- other reasons for termination like redundancy and retirement
- length of service/time on pay grade, and
- pay gap information for other protected groups.

In relation to services, the draft guidance states that the Commission would normally expect to see the information routinely published, broken down by protected group. This will obviously depend on what services are delivered but would usually include:

- performance information relating to functions relevant to furthering the aims of the duty, especially around outcomes (for example attainment and recovery rates)
- access to services
- satisfaction with services, and
- complaints (broken down by protected group, with an indication of reasons for complaints).

5 Next steps

At present there is no indication of when the finalised guidance will be released and the matter of the duty was being debated in the House of Lords at time of writing (6 September).

It is proposed that on receipt of the finalised guidance, Officers will define the relevant measures in consultation with the Equality and Diversity Steering Group, attended by Cllr Jean Jones, and commence reporting as required. In the meantime and in relation to internal staff information, Officers are continuing to work with the ResourceLink HR Information System to produce the relevant information.

When further guidance is received and measure defined, a report will be brought to the next scheduled Human Resources Committee.

6 Financial Implications

There are no predicted financial implications at this stage.

7 Legal Comment

The general equality duty was introduced under The Equality Act 2010 and came into force in April 2011. In essence, the three aims outlined in section 3 should be part of the decision making process in respect of all actions by public sector bodies, including when dealing with employment matters.

The Committee must ensure that the Authority complies with these legal requirements.

8 Equality Impact Assessment

This is a consultation document on equality and so all equality considerations have been taken into consideration in the response.

9 Appendix

There are no appendices with this report.

10 Background Papers

There are no background papers associated with this report.