**Equality Act 2010 (Specific Duties) Regulations.**

1. **General duty.** All public authorities, when exercising their functions, must have due regard to the need to:

* eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
* advance equality of opportunity between persons who share a relevant protected characteristic (e.g. disabled people ) and persons who do not share it (e.g. non-disabled people);
* Foster good relations between persons who share a relevant protected characteristic (e.g. disabled people) and persons who do not share it (e.g. non-disabled people).

2. **Specific Duties.** Introduced in September 2011, these Regulations place extra requirements on organisations listed in the Schedules:

* Schedule 1 includes many national organisations and Government Departments plus, more locally, county councils or district councils in England, Probation Trusts, NHS foundation trusts, NHS Trusts, Primary Care Trusts, Special Health Authorities, Strategic Health Authorities, Fire and Rescue Authorities, Governing bodies of FE colleges and HE institutions, Chief Constables.
* Schedule 2 covers schools maintained by local authorities, Academies and similar (their main difference is a later date to publish information).

The purpose of the Specific Duties is to ensure that the listed public authorities achieve better performance in fulfilling the General Duty.

**3. Change.** In the past, many public sector bodies created race, Disability and Gender Equality Schemes. These lengthy documents and their action plans are no longer needed. Instead, the focus is on gathering robust data covering all the protected characteristics and using that to both set improvement objectives and measure their progress/achievement. The duties do not specify how the objectives will be met or require the organisation to set such out. Essentially, if the information reveals a problem, the organisation should be setting a target to remedy it and then publish annual information to show its progress.

4. **Two Specific Duties.**

4.1 **Publish information.** The information is required to demonstrate compliance with the General Duty.

* **When to publish.** Except Schedule 2 bodies, the information must be published by 31 January 2012 and then annually.
* **What to publish.** In particular, information relating to persons who share a relevant protected characteristic (e.g. disabled people) who are:
  + employees (unless employs<150);
  + Other people affected by the public body’s policies and practices (e.g. residents for a Local Authority; students and parents of a college etc).

*For example, with regard to employees, the organisation might publish information about the protected characteristics of all employees linked to other related information (e.g. pay bands, disciplinary action, complaints etc). The public body would then need to consider how that information demonstrates compliance with the duty. If the information shows an even spread of protected characteristics across all pay bands, this could show that the organisation has had regard to the need to eliminate discrimination and advance equal opportunities. On the other hand, if information about disciplinary action or complaints shows that women feature disproportionately, then there may not have been sufficient regard to eliminating harassment and fostering good relations.*

4.2 **Equality objectives.** All listed public authorities must publish one or more objectives it thinks it should achieve in order to fulfil its General Duty.

* **When to publish.** These objectives must be published by 6 April 2012 and then at least 4 yearly.
* **What to publish.** The objectives must be specific and measurable.

*For example, if the information published shows an uneven spread of protected characteristics across all pay bands, the organisation might set an objective of achieving a specific number of men, women or disabled people etc in each pay band by the end of, say, four years. Similarly, it might set an objective of reducing disciplinary action and complaints involving women.*

5. **How to publish.** Information must be accessible to the public (and can be within another published document e.g. an annual report).

*For example, the public body may publish its information and its objectives as stand-alone documents in January and April 2012 but then provide updated information in annual reports until publishing new objectives by April 2016.*

All these documents will be open to public scrutiny (which was encouraged by the Government). Hence, a public body may be criticised if the information is not comprehensive, if objectives do not relate to the information or that annual updates do not show improvement.

6. **Factors to consider.**

* Some public bodies may have overlapping geographic areas or the same people may be affected by their policies and practices. Consider the cost-effectiveness of gathering information jointly.
* Comparable data across all the protected characteristics may not yet be held. Consider Gathering such as an early objective.
* Public bodies may set their information in a wider context (e.g. comparing with regional and national data). Consider if this would contribute to setting priorities for objectives.
* Public bodies will need to specify all of their functions and gather information for each. Consider the depth of information required by each function to demonstrate performance in relation to the elements of the General Duty concerning employees and other people affected by it’s policies and practices (e.g. employer function might include protected characteristics at each pay grade, job applications/appointments, disciplinary action, complaints, retirement, redundancy, promotion etc whereas another function might only require complaints, satisfaction levels, participation levels etc by each protected characteristic).
* All functions of the public body play their part in the overall duty. Consider adding the duties to each function lead’s role specification and performance objectives.
* Embedding the specific duties within overall performance management of the public body avoids it being seen as an “add-on” and means that information/data is gathered via existing mechanisms and can be subject to existing risk management . Reporting on objectives and their progress likewise can become part of routine business and published in existing reports. Consider placing lead coordinating responsibility for the duties within the business rather than equality functions.
* Maintaining records of what has been done to achieve objectives may help identify what works and what does not, and be evidence of effort if objectives are not met. Consider embedding actions in the business plan.
* Objectives need to be SMART. Consider if they are realistic enough to publish.
* Involving employees and the public can mitigate criticism. Consider on-going consultation. 