

**Chichester District Council**

**STANDARDS COMMITTEE**

**6 June 2011**

**Update on Equalities**

**1. Contacts**

**Cabinet Member**

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**2. Recommendation**

- 2.1. That the committee notes the changes to the requirements on equalities as set out in the Equalities Act 2010 and comments on how these have been implemented at Chichester District Council.**
- 2.2. The committee agrees that in future the reporting on equalities reverts to Chichester District Council.**

**3. Background**

- 3.1. The new Equality Act 2010 came into force in October 2010 replacing over nine pieces of legislation and 100 statutory instruments. The duty has been widened to include three more 'protected characteristics' – gender reassignment, marriage and civil partnership and pregnancy and maternity - alongside the original gender, age, disability etc. We have a general duty to 'have due regard' to advancing equality of opportunity and to eliminate discrimination. We also have specific duties to publish information to a) demonstrate compliance and b) set our objectives and details of engagement.
- 3.2. We will also be required to produce and publish our strategic equality objectives as a council by April 2012. This will in effect replace our current Equality Strategy and set out our high level aims and objectives in tackling inequalities that will feed into the council's delivery of services.

#### **4. Outcomes to be achieved**

- 4.1. Chichester District Council is committed to providing and promoting equality for all its employees and for the wider community. As part of developing any new policy or reviewing the way we deliver services, the impact on local communities is assessed and analysed particularly with the nine 'protected characteristics' in mind. Over the next few years of local authority budget cuts and finding new ways of working efficiently and effectively with less resources we are particularly aware of our responsibility to ensure that equalities issues are not compromised.
- 4.2. Compliance with the requirements regarding publication of information will enable our communities and interested parties to see how we are meeting the general and specific duties from the Act which help improve the lives of those in our communities.

#### **5. Proposal**

- 5.1. The new reporting requirements mean we will need to produce an annual statement which should be published on our website. In the past the Standards Committee has received reports on equalities sporadically, the last being in 2008. It is now proposed that the annual report is agreed by district councillors and then published directly on the website.
- 5.2. Whilst the terms of reference for the Standards Committee do not include equalities specifically, the committee may wish to request a report on a specific item on the subject at a future date.

#### **6. Resource and legal implications**

- 6.1. Chichester District Council does not have a dedicated equalities team or officer, it is the responsibility of service managers to ensure that services are delivered in a way that does not disadvantage any groups within the community and promotes equality.
- 6.2. The Corporate Policy Team has provided some support to services in interpreting the new Act and will coordinate the drafting of the annual report and the corporate equality objectives.

#### **7. Community impact and corporate risks**

- 7.1. Failure to meet the requirements of the Act could result in some groups within our community being disadvantaged

#### **8. Appendices**

- 8.1. Guidance provided to services on the Equality Act

## Equality Act 2010

In October 2010 the new Equality Act came into force. The Act replaces the previous pieces of legislation and 100 statutory instruments and brings it all together into one piece of legislation. The Act widens the equality duty to move from the previous strands to include nine 'protected characteristics'.

### **1. Age**

Where this is referred to, it refers to a person belonging to a particular age (eg 32 year olds) or range of ages (eg 18 - 30 year olds).

### **2. Disability**

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

### **3. Gender reassignment \*\***

The process of transitioning from one gender to another.

### **4. Race**

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

### **5. Religion and belief**

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (eg atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

### **6. Sex**

A man or a woman.

### **7. Sexual orientation**

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

### **8. Marriage and civil partnership \*\***

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

### **9. Pregnancy and maternity \*\***

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

\*\* - New protected characteristics 2010

As well as the nine 'protected characteristics', we will need to consider anything else of particular local relevance - for example rural isolation is particularly relevant in CDC's case.

### **Duties under the Act**

The guidance sets out the requirement for us as a local authority and these have been split into a *general duty* which covers all public bodies as well as a *specific duty* which also applies to us (over 150 employees).

### **General Equality Duty**

These are referred to as the three aims or arms of the general equality duty. In the exercise of their functions, we must have *due regard* to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

The Act explains *due regard* as:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

### **Specific Equality Duty**

The specific duties come into force on 6 April 2011. We are required to:

1. **Publish sufficient information to demonstrate compliance with the general equality duty across all our functions – by 31 July 2011**

This must include information on the effect that our policies and practices have had on people who share a relevant protected characteristic to demonstrate the extent to which it furthered the aims of the general equality duty for its employees and for others with an interest in the way it performs its functions.

All public authorities have to publish the following information:

- ***Evidence of analysis that they have undertaken*** to establish whether their policies and practices have (or would) further the aims of the general equality duty
- ***Details of the information that they considered*** in carrying out this analysis
- ***Details of engagement that they undertook*** with people whom they consider to have an interest in furthering the aims of the general equality duty

## 2. Prepare and publicise equality objectives and details of engagement undertaken – by April 2012

- **Objectives that we reasonably think we should achieve** to meet one or more aims on the general equality duty
- **Details of the engagement that we undertook**, in developing our objectives, with people whom we consider to have an interest in furthering the aims of the general equality duty

The council's Corporate Equality Strategy will be reviewed at the same time as we publish our equality objectives.

### Implications for service managers

Managers need to understand the implications of the new Act and that the emphasis is now on them to ensure that they meet the requirements in a suitable and relevant way, rather than following the fixed, prescribed approach previously set. This is important as this legislation is and will be commonly used to challenge the decisions and actions taken by public sector bodies at a time when there is mass unease with the changes to and reductions in levels of public service.

The Act does not produce extra bureaucracy. The focus has changed from 'equality impact assessment' to 'equality analysis'. It is intended to focus more attention on the quality of the analysis and how it is used in decision-making. It should not change what you are already doing.

You will need to consider not just directly provided services, but also those commissioned by the council to be provided by an external body.

Although there is no requirement to complete an Equality Impact Assessment document, it is suggested that you use the guidance to document your analysis as you may require this if challenged in the future about your process of consultation and consideration of equality issues.

It will also help when Corporate Policy contacts you with information required to pull together the two pieces of information required under the specific equality duties (as set out above). A suggested Equality Impact Assessment methodology is attached at Appendix 1.

Attached at Appendix 2 are some FAQs pulled off the Equality & Human Rights Commission website which may answer some of your more detailed questions about equality analysis.

Remember that the Corporate Information Team holds information, data and statistics that may be useful for your analysis. You should speak to them about any consultation you may be planning to do as part of your assessment. The Chichester Access Group can be consulted on disability and access issues – please contact Corporate Policy.