

## Introduction

### The Public Sector Equality Duty Support Package for Voluntary and Community Organisations

The Public Sector Equality Duty (the Equality Duty) is part of the Equality Act 2010 and is an important law that most public bodies have to comply with. It is supported by specific duties in secondary legislation which are designed to help public bodies perform the Equality Duty better.

#### What is the equality duty?

The Equality Duty requires public bodies and others carrying out public functions to take account of equality, discrimination and good relations between different people in the way they make policy, deliver or buy goods and services, and employ people. The Equality Duty is intended to ensure that equality forms part of the day-to-day decision making and operational delivery of public bodies and so prevent discrimination and advance equality of opportunity in practice.

The Equality Duty has two parts: a general duty (which is in the Act and applies across all of Great Britain) and specific duties to promote better compliance with the general duty. The specific duties are set out in regulations and are different in England, Scotland and Wales.

This new Equality Duty brought together the previous separate race, disability and gender equality duties and extended it to cover all of the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race – including ethnic or national origins, colour or nationality
- Religion or belief – including lack of religion or belief
- Sex
- Sexual orientation

#### What the law says

The Public Sector Equality Duty at Section 149 of The Equality Act 2010 says that public bodies, when carrying out their functions, must have **due regard** to the need to:

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

The phrase '*have due regard*' means that a public body must actively consider the three aims of the duty when exercising their functions. For example, it should consider the aims of the Equality Duty in regard to:

- The way it employs and treats its staff
- The way it makes and changes policies
- How it plans, delivers, monitors and evaluates its services; and
- How it arranges for others to deliver goods and services on its behalf

The Equality Duty explicitly states that having due regard to the need to advance equality of opportunity involves considering the need to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics
- Take steps to meet the needs of people with protected characteristics that are different from the needs of others who do not share that protected characteristic
- Encourage people with protected characteristics to participate in public life or in any other activity in which their participation is disproportionately low

The Equality Duty also explicitly states that having due regard to the need to foster good relations involves considering the need to:

- Tackle prejudice; and
- Promote understanding.

### **How will this toolkit help?**

The Equality Duty can help voluntary and community sector organisations (VCSOs) to achieve their own goals and to hold public bodies to account for their equality performance.

This support package has been designed to help VCSOs use the Equality Duty and specific duties effectively. However, there are significant differences in the way the specific duties work between England, Scotland and Wales so these package may be most useful to VCSOs in England.

This support package was created by the Equality and Diversity Forum and Citizens Advice and is in three parts:

1. Influencing and engaging public bodies on the Equality Duty
2. Using equality information and data to gauge public bodies' equality performance and to hold them to account, and
3. Tools you can use.

The tools you can use include a data analysis tool. You can import data related to equality performance into the tool and then, following the simple instructions, analyse the data. The data analysis tool can show disaggregated data for your local area and compare it with other areas or the country as a whole. It can also produce graphs and charts for you. To help you see how you might use this, the toolkit also includes two 'static' data tools that already have equality data loaded into them. The data covers GCSE performance, and stop and searches by the police.

## Using the support package

This support package has been designed to be used on-line, with links built in between different elements in the package. Although you can read the whole package from start to finish, it has not been designed to be used in this way. In fact, it may be most useful if you pick and choose the sections that will most help you with your work.

The support package can be used by VCSOs that have not worked with the Equality Duty before and by those with more experience of it. There is a list of contents at the end of this introduction but the easiest way to find the section you want is probably by looking at the prompts below:

- If you need to think about how the Equality Duty might help your organisation to **achieve your goals**, [click here](#).
- To understand the basics of **engaging with public bodies to influence their performance** of the Equality Duty, [click here](#).
- If you think it would be hard for your organisation to use the Equality Duty to influence a public body on your own and would like to work **with other VCSOs to create a shared Equality Duty agenda**, [click here](#).
- If you want to know more about some of the **equality frameworks that public bodies often use**, [click here](#).

There's a big new element to the Equality Duty - **transparency and accountability**:

- If you need the basics about **equality information and data and the Equality Duty**, [click here](#).
- To find out how you can use this data to **hold public bodies to account** for their equality performance, [click here](#).
- If you need help thinking about what **types of information you need** to do this, [click here](#).
- To find out **what questions to ask to help hold a public body to account** for its equality performance, [click here](#).
- To find other sources of information about equality performance for yourself, there is a guide to the **main national sources of data about equality** [here](#).

If you are new to the Equality Duty and want to see a range of guidance about it produced by the Government, the Equality and Human Rights Commission and others, click here: <http://www.edf.org.uk/blog/?p=17724> Please note that the guidance you will find through this link does not form part of this toolkit.

For more information about the legal form of the Equality Duty, click here: <http://www.edf.org.uk/blog/?p=17728>

## **CONTENTS**

### **PART ONE**

#### **Influencing and engaging public bodies on the Equality Duty**

- Getting started: engaging with and influencing public bodies on the Equality Duty
- Effective relationships, language and tone for influencing on equality
- Using the Equality Duty to achieve your goals
- A short guide to equality frameworks used by public bodies
- Building partnerships and coalitions with other voluntary and community sector organisations to tackle inequality

### **PART TWO**

#### **Using equality information and data to gauge public bodies' equality performance and to hold them to account**

- Getting started: equality information and data
- Using equality information and data to hold public bodies to account
- Reviewing a public body's performance on equality in service delivery – questions to consider
- Data you might look at or request from public bodies to help you hold them to account for their equality performance
- Where to find additional information

### **PART THREE**

#### **Tools you can use**

- Tool you can use to analyse data sets that you have
- Guidance on using tool that analyses data sets that you have
- Disaggregated data tool on police stop and search
- Disaggregated data tool on GCSE results
- Guidance on using the stop and search and GCSE tools