

# Objectives and the equality duty: A guide for public authorities

**England (and non-devolved public  
authorities in Scotland and Wales)**

Revised (second) edition, 19 December 2011

This edition reflects the final version of the specific duty regulations. This replaces the first edition of January 2011.

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# 1. Introduction

## Context for this guide

This guide is one of a series written by the Equality and Human Rights Commission (the Commission) to explain how public authorities can meet the requirements of the Equality Act 2010 (the Act). The Act brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty), replacing the separate duties relating to race, disability and gender equality. The equality duty came into force on 5 April 2011.

There are five guides giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Equality objectives and the equality duty
3. Equality information and the equality duty
4. Meeting the equality duty in policy and decision-making
5. Engagement and the equality duty

*The essential guide* provides the main overview of the equality duty requirements. The other four documents provide more detailed guidance on key areas and they provide advice on good practice. Further information and resources are available at:

[www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/](http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/)

This is the second edition of this guide as it was revised to reflect the Equality Act 2010 (Specific Duties) Regulations 2011, which were published by Government on 27 June 2011. These came into force on 10 September 2011.

If you require this guide in an alternative format and/or language please contact our helpline to discuss your needs:

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## Legal status of this guide

This guidance provides advice on how to meet the equality duty. It will assist public authorities to comply with their legal duties under:

- Section 149 of the Equality Act 2010 (the public sector equality duty), and
- The Equality Act 2010 (Specific Duties) Regulations 2011.

## Who this guide is for

This guide is aimed at those responsible for implementing the equality duty in public authorities in England and for non-devolved public authorities in Scotland and Wales. It will be of particular interest to public authorities who are covered by the specific duties. However, public authorities who are only covered by the general equality duty may choose to develop objectives as a matter of good practice, so it may also be of interest to them.

The guide will be useful for staff right across public authorities, particularly those responsible for setting equality objectives, and those involved in business planning, procurement, analysis, human resources, grant making, governance and scrutiny. It will be useful for chief executives and for senior managers. The guide will also assist those who have an interest in the work of public authorities, such as service users, voluntary bodies, unions, equality organisations and people with the protected characteristics as set out under the Equality Act 2010.

## Content of this guide

This guide:

- Explains the purpose of equality objectives and how they can be used to improve performance on the general equality duty.
- Helps public authorities identify, set and publish their equality objectives.

## 2. Equality objectives and the duty

The public sector equality duty (the equality duty) is made up of a general equality duty which is supported by specific duties. The ‘public sector equality duty’ is the formal title of the legislation, the ‘general equality duty’ is the overarching requirement or substance of the duty, and the ‘specific duties’ are intended to help performance on the general equality duty. An overview of the equality duty is set out in our essential guide to the equality duty. This includes further information about the meaning of ‘due regard’.

The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

These are often referred to as the three aims (or arms) of the general equality duty.

### **What the general equality duty requires on objectives**

Public authorities who are covered only by the general equality duty are not required to set equality objectives, but they can choose to set objectives as a matter of good practice and/or to support their compliance with the general equality duty.

### **What the specific duties require on objectives**

The public authorities listed in Schedule 1 and 2 of The Equality Act 2010 (Specific Duties) Regulations 2011 (the specific duties) must:

- Prepare and publish one or more objectives they think they should achieve in relation to the aims of the general equality duty, by 6 April 2012, and at least every four years thereafter.
- Ensure that those objectives are specific and measurable.
- Publish those objectives in such a manner that they are accessible to the public.

## **Purpose of equality objectives**

The purpose of setting specific, measurable equality objectives is to help listed authorities to better perform the general equality duty, focusing on the outcomes to be achieved. Equality objectives help focus attention on the priority equality issues within an organisation in order to deliver improvements in policy making, service delivery and employment, including resource allocation.

Larger authorities, such as government departments that are covered by the specific duties, are likely to set a greater number of equality objectives across a broader range of issues, than a smaller public body with a narrower area of influence, such as a small rural primary school.

## **Proportionality**

Proportionality is a key principle underpinning the public sector equality duty and you should take a proportionate approach to setting equality objectives. This means that the number of objectives you set, and their level of ambition, will be different depending on the size and role of your authority and the relevance of equality and good relations to what your organisation does. When setting objectives, consider to what extent a function or policy affects discrimination, equality of opportunity and good relations, and the extent of any disadvantage that needs to be addressed. For example, functions that involve providing a service to members of the public are more likely to be relevant to equality and good relations than functions concerning the purchase of utilities.

## 3. Preparation

We advise that equality objectives should be seen as part of the business plan and as supporting its delivery. Desired outcomes are more likely when your objectives are seen as an integral part of business performance. It would be helpful if the staff that develop your equality objectives work closely with staff who develop business or operational plans. Objectives are usually more effective when the person or team responsible for a particular area of work is involved, or when they lead on the development and delivery of their own objectives.

To inform the development of your objectives, you will need to have a clear understanding of the needs of your employees and others, such as service users, and the issues they face related to their protected characteristics. Objectives that are based on evidence of the effect of your employment, service, policy and other functions on people with protected characteristics are more likely to help you meet the aims set out in the general equality duty. A clear link between your objectives and your published equality information will enable you to be more transparent.

### Using equality information

The specific duties require listed authorities to publish information to demonstrate compliance with the general equality duty by 31 January 2012, or 6 April 2012 for schools and pupil referral units. This includes information about equality issues in relation to employees

and service users, which will provide a good evidence base on which to start developing equality objectives. Other sources of information can also be useful, such as engagement with people who share relevant protected characteristics, assessments of impact on equality, demographic information from the Census, information published by the Office for National Statistics (ONS), and the Labour Force Survey. The Commission's *Triennial Review* of progress that society is making in relation to equality, human rights and good relations is also a good source of evidence. Further information is available in our guide *Equality information and the equality duty: A guide for public authorities*.

Triennial Review:

<http://www.equalityhumanrights.com/key-projects/how-fair-is-britain/>

### Early engagement

Engagement with members of the public, voluntary organisations, staff networks and Trade Unions etc. can help you to identify priority areas for setting objectives. Engagement is most effective where relevant information is gathered in time to be able to influence your final decisions. Further information is available in our guide *Engagement and the equality duty: A guide for public authorities*.

# 4. Developing your objectives

Reviewing the equality information that you have available (including published information) will help you to identify your organisation's main equality challenges and help you to target your resources appropriately. You should consider to what extent this evidence highlights a need to eliminate discrimination, harassment and victimisation; a need to foster good relations; or a need to advance equality of opportunity, across all your policy, service delivery and employment functions, including functions that you contract out.

Drawing up a comprehensive list of possible objectives that might address these challenges is a useful first step.

When developing possible objectives you could think about:

- The proportion of people with particular characteristics taking up your services, the quality of their experiences and the practical outcomes for them.
- The proportion of people with particular characteristics you employ and the quality of their experiences and the practical outcomes for them.
- The frequency of the issue occurring versus the harm it may cause to individuals and to groups.
- Who it would be useful to talk to in the process of setting objectives.

Equality objectives should help public authorities achieve any of the things mentioned in the aims of the general equality duty. They should be designed to achieve improvements in service delivery, or the way you employ staff, so senior management and board members may want to be involved at an early stage in their development. Objectives should be based on robust information and evidence of need, rather than merely being a collection of ideas from colleagues across your organisation. Considering possible objectives at a strategic level first will help you to focus on the most significant priorities for your organisation as a whole.

It would be helpful to demonstrate how your list of possible objectives relates to your published equality information, and other evidence. Staff and others, such as service users, are likely to have views on which objectives will have the biggest effect on equality for people with different protected characteristics.

## Selection criteria

Criteria to help you prioritise objectives could include:

- Does information at a local or national level highlight this as an important equality issue?
- Are these priorities for staff and service users themselves?
- Would this objective stretch the organisation to perform better on equality issues in key areas?

- How would achieving this objective improve the experience for people with a relevant protected characteristic?
- How does this objective contribute to the aims of the general equality duty?
- What are the views of stakeholders?
- How many people with relevant protected characteristics are affected by the issue, and what is the severity of the effect? (Note: having due regard does not necessarily mean that the issue is less important when the number of people affected is small. For example, you may only employ a small number of transsexual staff, but any discrimination or harassment could have a significant effect on those staff.)

### Further engagement

Once you have prepared your list of possible objectives, it can be helpful to engage with members of the public, voluntary organisations, staff networks and Trade Unions or others again, to demonstrate that their earlier input has informed your objectives. It will give them the opportunity to make final comments and suggest amendments.

Members of the public may have a great interest in the objectives you set, and may see your achievement of them as one of the main ways of meeting your obligations under the general equality duty. Sensible, genuine and proportionate engagement with a broad range of stakeholders may help you demonstrate that you had due regard to the general equality duty and will improve transparency and accountability.

Proportionate engagement should take account of your resources. For example, a small organisation might use an existing stakeholder forum to review a list of possible objectives, and use their views to help prioritise their final published objectives. A large organisation might carry out a range of engagement activity, for example, with staff networks, equality organisations, Trade Unions, as well as carrying out a public consultation exercise.

You might find it useful to publish information about who you engaged with, along with a summary of the evidence that came from this engagement, and an explanation of how it informed the formulation of your objectives.

### A good equality objective

The objectives you set must be specific and measurable. Specific and measurable objectives are explicit about:

- the policy, function or practice they relate to
- the people that are affected
- the outcome they seek to achieve
- why they have been selected, and
- how success will be measured (eg by how much or by how many).

A recognised way to set effective objectives is to ensure that they are SMART (Specific, Measurable, Achievable, Realistic and Time-bound). Here are some examples of SMART objectives:

- A police force identifies that the number of black people being stopped and searched is six times higher than white people within its jurisdiction. The police force sets an objective to reduce the difference by at least 50 per cent over the next four-year period.

- A school identifies that boys are underachieving academically in English, maths and science. 72 per cent of girls, but only 48 per cent of boys, are achieving the expected grades. The school sets an objective to improve this figure over a four-year period to 65 per cent of boys reaching the required grade.
- A council identifies from engagement with local disabled people and equality organisations that people with a disability are 50 per cent less likely to use adult learning services than non-disabled people. Also, disabled people are declaring a much lower rate of satisfaction when accessing adult learning services than non-disabled people. The council sets an objective to improve the satisfaction of disabled people accessing their adult learning services by at least 30 per cent over the next two years, and to increase the participation of disabled people by 40 per cent over the next four years.
- A hospital identifies from engagement with equality organisations and patient forums that there are high levels of patients over the age of 55 reporting that they were not treated with dignity and respect when using hospital services. The hospital sets an objective to provide training to all care staff on treating people with dignity and respect within the next 18 months. The objective also sets out to increase the proportion of over 55s reporting being treated with dignity and respect to at least 50 per cent, within a three-year period.
- A health commissioning body identifies that only 20 per cent of lesbian patients access cervical smear services,

compared with 80 per cent on average for all women. National research suggests that many lesbian patients have negative experiences of such services. The body sets an objective to increase the number of lesbian patients accessing the service to at least 60 per cent over four years, and to increase satisfaction ratings by 15 per cent over the next year.

Avoid vague objectives which do not meet the criteria of being SMART. Here are some examples of non-SMART objectives:

- We will have a more diverse base of service users.
- We will give more attention to gender issues.
- We will ensure we meet all our legal obligations relating to equality.
- We will continue to train our staff on equality.
- We will continue to engage with diverse groups.

It is important to know where you are starting from, what you want to achieve and how you will know whether you are on course or when you have achieved the desired outcome. Objectives which aim to increase participation, improve experiences, are ambitious, outcome-focused and realistically achievable, are more likely to demonstrate to the public that you are serious about using the equality duty as a tool to reduce inequality and to foster good relations.

Qualitative as well as quantitative evidence can be used to measure progress. For example, you could use staff surveys, analysis of complaint letters, feedback forms, or the results of engagement.

## Level of ambition

Objectives which are ambitious and which focus on the biggest equality challenges that your authority faces, will have the greatest impact in furthering the aims of the general equality duty. If you achieve what you say you are going to do, it will build confidence among stakeholders, and should encourage them to engage with you in the future. Many of the key equality issues that people with particular protected characteristics face are longstanding – for example equal pay – and it could take some time to fully address these. This isn't a reason to overlook an issue. Interim objectives can contribute towards medium and longer term plans and strategies.

Objectives that are too narrow in scope, or which fail to address the most significant equality issues in your sector and your organisation could potentially leave you open to question by the public, or legal challenge by the Commission. Your equality information, and any engagement you undertake, will provide you with valuable evidence for identifying and justifying your priority issues.

## Number of objectives

There is no set number of objectives that is required. However, you should ensure that you have considered all three aims of the general equality duty and taken into account relevant evidence related to all protected characteristics across all relevant functions, in determining your objectives. Having a sound evidence base will enable you to justify the number of objectives you have set and show that the process you used was strategic and well informed. Objectives may be revised or set more regularly than every four years, if you wish. Doing so may be useful where the objectives have shorter timescales for implementation.

## Final selection of objectives

When making your final selection of objectives, consider:

- If you have considered all three aims of the general equality duty.
- If you have focused on the key issues affecting people with protected characteristics, and the objectives that will make the most impact on the disadvantage that they face.
- How you have ensured that they are based on robust evidence of need.
- Whether to set short term, medium term or long term objectives.
- Whether you can realistically achieve them.
- Whether there is scope to benchmark equality information and objectives against similar public authorities.
- How progress against the objectives will be measured.

# 5. Publication

## **Date and frequency**

Ideally, the development of equality objectives should be carried out as part of the normal business planning processes of your organisation. The flexibility to publish objectives any time up to 6 April 2012, and to set and publish new objectives at any point in the following four years, is intended to support this approach.

## **Format**

The specific duties do not require your equality objectives to be published in any particular document. You may choose to publish them within your business plan or similar documents or on a dedicated equality page on your website. If they are included in a larger report, they should be clearly signposted on your website. The objectives should be presented clearly, and in a way that the general public will understand.

The specific duties require published equality objectives to be 'accessible to the public'. We recommend that you consider publishing them in alternative accessible formats and in different languages, where proportionate and appropriate. You are required to make reasonable adjustments for disabled people, so consider whether you need to publish your objectives in formats that are compatible with a computer's accessibility features, or that can be read by accessibility programmes that provide screen reading facilities for

people with sight or physical mobility impairments, such as Jaws and Dragon. Further guidance on website accessibility and relevant British Standards are available from the Website Accessibility Initiative: <http://www.w3.org/WAI/>

**Demonstrating compliance, including to your service users and others locally, is easier if information is accessible. As well as thinking about the format of publication, clearly labelling it and keeping it together in one place on your website can help.**

The minimum standard expected would be that your objectives are published in PDF (Portable Document Format), and accessible Word on your website. Take account of any feedback you receive about how accessible your objectives are, and act on it when it is reasonable to do so. Although the specific duties do not require you to provide background information, your objectives are likely to be more transparent and easy to understand if you publish a short narrative to introduce them, setting out what information (including engagement) you used to reach your decisions and what you hope to achieve through them.

## 6. Measuring progress

Regularly reviewing progress against your objectives will help you to judge whether more effort or resources are required to achieve them. It will also help you to decide whether you need to revise the objectives, or change the actions you are taking to implement them. It is a good idea to update senior management and board members etc. on progress made against agreed objectives, in the same way you would for other performance information, as well as to review risks to the achievement of your stated objectives as part of helping your organisation to deliver in the way it has set out to do.

If you are covered by the specific duties, you may find it useful to publish information relating to the progress you are making towards your objectives as part of the information you publish to demonstrate your compliance with the general equality duty. For more information on this matter, please see our guide to *Equality information and the equality duty*.

# 7. Summary

## Understand the equality issues in your organisation and sector

- Engage with your stakeholders, and your staff.
- Consider your published equality information.
- Review national, regional and local equality information.
- Look at any assessments of the impact of your policies and practices on people with different protected characteristics.

## Develop possible equality priorities for action

- Create a list of issues related to discrimination, harassment, victimisation, equality of opportunity and good relations you might want to address.
- Consider the number of objectives that it is proportionate to publish.
- Involve senior managers and board members at an early stage.
- Engage with members of the public, staff and service users.

## Prioritise and select objectives

- Set criteria that the objectives must meet.
- Use an evidence-based approach in selecting the most significant issues using national and local information.
- Ensure that objectives are business focused.
- Engage with members of the public, staff and service users.

- Focus on objectives that can be delivered and monitored through your mainstream operations.
- Check that you could realistically deliver an objective.

## Ensure that your objectives are specific and measurable

- Use a recognised way of setting effective objectives, such as SMART.
- Check that your objectives are not vague.
- Use qualitative information to measure progress where there is no appropriate quantitative measure. Focus on measures about the quality of experience of people with protected characteristics as well as numerical information about service outcomes.

## Publish and review your objectives

You must publish one or more equality objective(s) at least every four years in such a manner that the information is accessible to the public. We would expect your objectives to be clearly labelled and easy to find on your website. You can publish them as an individual document or within another published document.

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