

## 2. Equality objectives and Strategic Equality Plans: A guide for listed public authorities in Wales





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# 1. Context for this guide

## **Key dates for the public sector equality duty**

- 5 April 2011** General duty came into force
- 6 April 2011** Specific duties in Wales came into force
- 2 April 2012** Listed bodies in Wales to publish equality objectives and Strategic Equality Plans
- 2 April 2012** Listed bodies in Wales must have engaged with interested people as part of gathering relevant information to assess its activities against the general duty. Relevant information must be published as appropriate.

## 1.1 What is a listed public authority in Wales?

For the purpose of this guidance, a listed public authority in Wales (or ‘listed body’) is one contained in Part 2 of Schedule 19 of the Act as supplemented and amended by the Equality Act 2010 (Specification of Relevant Welsh Authorities) Order 2011. This includes, for example, local authorities, education bodies (including schools), health bodies and the Welsh Government.

## 1.2 The Equality Act 2010

The Equality Act 2010 (the Act) brings together and replaces the previous anti-discrimination laws with a single Act. It simplifies and strengthens the law, removes inconsistencies and makes it easier for people to understand and comply with it. The majority of the Act came into force on 1 October 2010.

The Act includes a **new public sector equality duty** (the ‘general duty’), replacing the separate duties on race, disability and gender equality. This came into force on 5 April 2011.

## 1.3 What is the general duty?

The aim of the general duty is to ensure that public authorities and those carrying out a public function consider how they can positively contribute to a fairer society through advancing equality and good relations in their day-to-day activities. The duty ensures that equality considerations are built into the design of policies and the delivery of services and that they are kept

under review. This will achieve better outcomes for all.

Public bodies are required to have due regard to the need to:

1. eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act
2. advance equality of opportunity between people who share a relevant protected characteristic and those who do not
3. foster good relations between people who share a protected characteristic and those who do not.

This guidance refers to these three elements as the three ‘aims’ of the general duty and so when we discuss the general duty we mean all three aims.

The new general duty covers the following protected characteristics:

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

It applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

This guidance sometimes uses the phrase ‘protected group’ to refer to people who share a protected characteristic.

## 2. Specific duties in Wales

The broad purpose of the specific duties in Wales is to help listed bodies in their performance of the general duty and to aid transparency.

### 2.1 Who is covered by the specific duties?

The specific duties apply to listed bodies in Wales but not to non-devolved public authorities operating in Wales.

Most devolved public authorities in Wales covered by the general duty are also covered by the specific duties. The specific duties set out the steps that listed bodies in Wales must take in order to demonstrate that they are meeting the general duty.

This guide is one of a series of non-statutory guides on the specific duties.

The duties inter-relate and more details on each aspect can be found in the following guidance:

1. The essential guide to the public sector equality duty (an overview)
2. Equality objectives and Strategic Equality Plans
3. Engagement
4. Assessment of impact
5. Equality information
6. Employment information, pay differences and staff training
7. Procurement
8. Annual reporting, publishing and Ministerial duties (including review and accessibility)

### 2.2 Who is the non-statutory guidance aimed at?

The non-statutory guidance has been developed primarily for those responsible for implementing the Wales specific equality duties, particularly those at senior and operational level who are responsible for policy and decision-making. The guidance will also be useful to anyone who has an interest in the work and activities of public authorities.

It is important that senior decision-makers in public authorities (such as Chief Executives, Chairs and Board members) receive adequate briefing on the equality duty. This should equip them to ensure that equality is properly considered within the organisation and influences decision-making at all levels.

**The text box(es) below outline the requirements of the regulations and these appear also in the *Essential guide*. The additional text in this guidance provides further context on the specific duties.**

# 3. Equality objectives

## 3.1 What the duty requires on equality objectives

### Equality objectives

#### A listed body in Wales must:

- prepare and publish its equality objectives by 2 April 2012
- publish objectives to meet the general duty. If an authority does not have an objective for each protected characteristic – in addition to any objective to address pay differences – it must publish reasons why not
- publish a statement setting out the steps it has taken or intends to take to meet the objectives and how long it expects to take to meet each objective
- make appropriate arrangements to monitor progress towards meeting its objectives and to monitor the effectiveness of its approach
- give appropriate consideration to relevant equality information it holds when considering what its equality objectives should be.

#### Objectives on pay difference

#### A listed body in Wales must:

- have due regard to the need to have objectives to address the causes of any pay differences that seem reasonably likely to be related to any of the protected characteristics
- publish an equality objective to address any **gender** pay gap identified or else publish reasons why it has not done so

Even where an authority publishes an equality objective to address pay differences in relation to any protected characteristic, it must still have due regard to the need to have other equality objectives in relation to that protected characteristic. If it publishes no other such objective, it will need to explain why not.

#### Review and revision of objectives

#### A listed body in Wales must:

- review all its equality objectives at least once every four years

A listed body may revise or remake its equality objectives at any stage. If it does so, it must publish the new objective or revision and reflect any changes in its published statement about the timescale and steps for meeting its objectives. If a change is made to an equality objective on gender pay, it will need to be reflected in its gender pay action plan.

## 4. Overview

Setting effective equality objectives will be critical in meeting the duty and in working towards improved outcomes for all the protected groups.

It is important to have a clear overview and understanding of the major issues facing the protected groups. Objectives should be developed on the basis of a consideration of a listed body's work and activities, including employment, service delivery and policy development. This analysis should be informed by the steps already taken to meet other specific duties, including engagement, gathering and analysing information and assessing impact.

A listed body must consider how its work and activities contributes or may contribute to meeting the general duty. Engagement will be particularly critical in

providing a firm evidence base to consider these issues. This will be a key opportunity to gather information about which areas of its work may be of interest to people with particular protected characteristics.

It will be helpful if the development of equality objectives is synchronised with the normal business planning processes of an organisation. The flexibility to publish objectives any time up to 2 April 2012 is intended to facilitate this.

# 5. Using information, engagement and assessment of impact

Due regard must be given to relevant information when setting or revising equality objectives. An important part of that relevant information will come from engagement with protected groups. Engagement should take place early enough to influence the setting of priorities.

Relevant information also includes the findings of assessments of impact on protected groups (whether published or not).

There are numerous other sources of evidence that may be helpful:

- The Office for National Statistics for example maintains information from the Census and the Labour Force Survey.
- The Welsh Government, including its statistics division, offers a wealth of relevant publications across all policy areas.
- The Equality and Human Rights Commission has a range of useful evidence on its website including the *Triennial Review: How fair is Britain?, How fair is Wales?* and *An Anatomy of Economic inequality in Wales*.
- Many third sector organisations hold useful information on protected groups.

See also guides in this series on equality information, engagement and assessment of impact.

## 6. Developing objectives

A listed authority must set an equality objective in relation to each of the protected groups or publish its reasons for not doing so. It will be helpful to ask the following questions in relation to each of the protected groups:

- Have all three aims of the general duty been considered (that is, to eliminate discrimination/harassment, advance equality and foster good relations) in relation to the protected groups?
- Is there a focus on the key issues affecting the different protected groups and the steps that can most effectively address disadvantage experienced by them?

### **A listed authority must identify:**

- the steps it is taking or intends to take to achieve each of the objectives
- how long it expects to take to fulfil each objective, and
- how it will monitor progress towards each objective.

Objectives should be outcome-focused. Specific improvements in outcomes for employees and service users should be identified, specifying clearly how these will be achieved.

Many of the barriers facing protected groups are long-standing and entrenched and it will take some time to fully address these. To achieve long-term fundamental change it may be necessary to maintain the same objective for a significant period.

To achieve the aims of the duty, the objectives need to focus on the most significant equality issues and be sufficiently wide in scope. In order to meet the duty, the objectives must be based on adequate information and proper engagement.

A key purpose of setting equality objectives is to drive better outcomes for people with protected characteristics. It is important that care is taken to ensure that objectives are drafted to be specific, measurable, realistic and achievable within a clear timeframe.

Where partnerships such as Local Service Boards identify an area of inequality, they may each wish to develop an objective to address it in a co-ordinated way

## 7. Proportionality

Having due regard to the aims of the general duty involves taking a proportionate approach, and this should apply to how listed bodies set their objectives.

## 8. Publication

Listed authorities must publish their objectives by 2 April 2012. Objectives should be kept under regular review and must be reviewed at least every 4 years.

The mandatory review at 4 years does not preclude authorities from reviewing them more frequently and changing them if appropriate. Indeed if it is identified through monitoring that an objective is not delivering as anticipated, it may be necessary to change it.

As well as publishing its objectives the regulations require a listed body to publish a statement setting out:

- the steps it has taken, or intends to take, to meet its objectives, and
- how long it will take to meet each objective.

Listed bodies are required to publish the progress made towards fulfilling the objectives in their annual report. It may be helpful for a listed body to embed the equality objectives into its main organisational documents e.g. corporate or strategic plan.

## 9. Measuring progress

In order to be able to publish the progress it has made in meeting its objectives, a listed body will need to be clear about what progress/success will look like, how it will be measured and how it will be reported.

Keeping progress under review will help in identifying where there is insufficient progress, and whether and how a listed body may need to revise its approach. Engaging with protected groups and other interested stakeholders will be very useful in this process, as it will help authorities keep abreast of the main issues and concerns.

Qualitative as well as quantitative evidence may be used to gauge progress and measure outcomes. Authorities are likely to hold some of this information e.g. staff surveys, analysis of complaint letters and feedback forms.

It will be helpful to update senior management and board members on progress against the agreed objectives alongside other performance information. Showing visible leadership on equality issues is likely to be an important step in delivering equality objectives.

# 10. Strategic Equality Plans

## 10.1 What the duty requires on Strategic Equality Plans

### **A listed body in Wales must:**

- draw up a Strategic Equality Plan by 2 April 2012.

This Strategic Equality Plan must include:

- a description of the authority
- its equality objectives (including pay objectives)
- the steps it has taken or intends to take to meet its objectives and in what timescale
- its arrangements to monitor progress on meeting its equality objectives and the effectiveness of the steps it is taking to meet those objectives
- its arrangements to identify and collect relevant equality information. This includes information gathered from engaging with protected groups about how the work of an authority may relate to the general duty. It also includes any information about pay differences related to a protected characteristic and the causes of these differences
- its arrangements for publishing relevant equality information that it holds and which it considers appropriate to publish
- its arrangements for:
  - assessing the likely impact on protected groups of any policies and practices that an authority is proposing, reviewing or revising
  - monitoring their actual and ongoing impact
  - publishing reports where an assessment shows a substantial impact (or likely impact) on an authority's ability to meet the general duty
- details of how an authority will promote knowledge and understanding of the general and specific duties among employees, including through performance assessment procedures to identify and address training needs
- an action plan relating to gender pay objectives (see 'Gender pay differences' above)

It is open to an authority to include in its Strategic Equality Plan any other information relevant to meeting its general duty.

In preparing and revising its Strategic Equality Plan an authority is required to engage appropriately and have due regard to relevant equality information.

# 11. What is the purpose of a Strategic Equality Plan?

The purpose of a Strategic Equality Plan is to document the steps a listed body is taking to fulfil its specific duties.

The Strategic Equality Plan can usefully reflect a number of elements of the specific duties beyond those that are legally required. For example, a listed body is required to publish reasons for not having an equality objective in relation to

a protected characteristic. It may be helpful to include those reasons as part of the Strategic Equality Plan. It may also be useful to include an outline of the authority's approach to meeting its obligations to engage with relevant stakeholders. This would offer clarity on who has been involved or consulted and may highlight opportunities for relevant people to engage in future.

# Contact us

## Wales

3rd Floor  
3 Callaghan Square  
Cardiff CF10 5BT

### Helpline:

Telephone  
0845 604 8810

Textphone  
0845 604 8820

Fax  
0845 604 8830

## England

Arndale House  
The Arndale Centre  
Manchester M4 3AQ

### Helpline:

Telephone  
0845 604 6610

Textphone  
0845 604 6620

Fax  
0845 604 6630

## Scotland

The Optima Building  
58 Robertson Street  
Glasgow G2 8DU

### Helpline:

Telephone  
0845 604 55 10

Textphone  
0845 604 5520

Fax  
0845 604 5530

## Helpline opening times:

Monday to Friday: 8am–6pm

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