

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PERSONNEL COMMITTEE

Agenda Item No.

meeting date: WEDNESDAY, 1 JUNE 2011
title: EQUALITIES ACT 2010 – WORKFORCE DATA
submitted by: HR MANAGER
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1. PURPOSE

1.1 To update Members on workforce data to be published in compliance with the Equality Act 2010.

1.2 Relevance to the Council's ambitions:

- Council Ambitions: As staff are the Council's biggest resource the achievement of all the Council's ambitions is dependent on a diverse, dedicated and committed workforce.
- Community Objectives: See above.
- Corporate Priorities: See above.
- Other considerations: None.

2. BACKGROUND

2.1 The Equality Act 2010 provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

2.2 The Act has two main purposes – to bring together and simplify all of the existing discrimination law, and to strengthen the law to support progress on equality.

2.3 The Equality Act contains a range of new rights, powers and obligations to help the drive towards equality and has now become law.

2.4 it is unlawful to discriminate against an individual because of any of the protected characteristics in the Equality Act 2010.

2.5 The nine protected characteristics under the Equality Act are:

- Disability
- Gender Reassignment
- Pregnancy & Maternity
- Marriage and Civil Partnership
- Race (including ethnicity and national origin)
- Religion or Belief
- Sex
- Sexual Orientation

2.6 The Act also widens the scope of protection for individuals with these protected characteristics.

3. ISSUES

3.1 The Act sets out the general duties and specific duties in relation to equalities. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need 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.

3.2 In summary, a public authority covered by the specific duties (listed body) is required to:

- Publish information to demonstrate its compliance with the general equality duty across its functions. This must be done by 31 December 2011, and at least annually after that, beginning with the date of last publication.
- This information must include, information on the effect that its 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.

Public authorities with fewer than 150 employees are exempt from the requirement to publish data on their effects on their employees.

- By 6 April 2012, prepare and publish:

One or more objectives that it reasonably thinks it should achieve to meet one or more aims of the general equality duty.

Details of the engagement that it undertook, in developing its objectives, with people whom it considers to have an interest in furthering the aims of the general equality duty.

- It must also:

Consider the information that it published before preparing its objectives.

Ensure the objectives are specific and measurable.

The information on equality objectives must be published at least every four years.

The above information and equality objectives must be published in a manner that is reasonably accessible to the public. It can be published within another document.

- 3.3 The steps prescribed by the specific duties are limited to preparing and publishing equality objectives and publishing information. Beyond that, it is left up to public authorities to decide how they will go about ensuring compliance with the general equality duty.
- 3.4 In order to comply with the general equality duty, a public authority must ensure that:
- Staff and leadership are aware of the duty's requirements. Compliance involves 'a conscious approach and state of mind'. This means that decision-makers must be fully aware of the implications of the duty when making decisions about their policies and practices.
 - The duty is complied with before and at the time that a particular policy is under consideration and a decision is taken. A public authority cannot satisfy the duty by justifying a decision after it has been taken.
 - The duty must be exercised in such a way that it influences the final decision.
 - Any third parties exercising public functions on its behalf are required to comply with the duty, and that they do so in practice.
- 3.5 Regard is given to the need to advance equality when a policy is implemented and reviewed.
- 3.6 The specific duties require listed bodies to publish information to demonstrate that they have complied with the general equality duty across their functions. All such bodies must publish information to demonstrate how they are meeting the general duty for service users. Listed bodies with 150 staff or more also need to publish that information in relation to their employees, and would normally expect to see the following:
- For bodies with 150 staff or more:
- the race, disability, gender, age breakdown and distribution of our workforce
 - indication of likely representation on sexual orientation and religion or belief, provided that no individuals can be identified as a result
 - an indication of any issues for transsexual staff, based on your engagement with transsexual staff or voluntary groups
 - gender pay gap information.
- 3.7 In relation to services, the Commission would normally expect to see the information that we routinely publish broken down by protected group. This will obviously depend on what services are delivered but would usually include:
- performance information relating to functions relevant to furthering the aims of the duty, especially around outcomes (for example attainment and recovery rates)
 - access to services
 - satisfaction with services, and
 - complaints (broken down by protected group, with an indication of reasons for complaints)

3.8 We have been collating equality data on our current workforce and this will be published on our website using the template at Appendix 1 in order to comply with the specific duty. This data will be a starting point. There are some elements of equality data which we do not currently collect but we have amended various HR forms/procedures to ensure that this information will be collected in the future.

3.9 We are currently considering how to collate performance, access, satisfaction and performance data.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources: None.
- Technical, Environmental and Legal: the Council has a legal duty to ensure that staff are not discriminated against in the workplace and failure to comply with the legislation could result in action being taken against the Council.
- Political: There are no political implications.
- Reputation: None.

5. **RECOMMENDED THAT COMMITTEE**

5.1 Note the report.

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For further information please ask for Michelle Smith, ext 4402