

Revised; 26/01/2017

The Equality Act 2010 and Community Planning

The Equality Act 2010 ('the EA') provides a modern, single legal framework with clear, streamlined law to more effectively tackle disadvantage and discrimination; it replaces all previous equalities legislation. The EA covers the following 'protected characteristics';-

Race
Sex
Disability
Sexual Orientation
Age
Belief & Religion
Gender Re Assignment
Pregnancy/Maternity
Marriage/Civil Partnership

The EA came into force on the 1st of October 2010, with further provisions coming into place between April 2011 and December 2012 in Scotland.

The Public Sector Equality Duty

The public sector equality duty (PSED) came into force on 5 April 2011 as part of the provisions of the EA. The 'general' part of this duty requires public authorities ('authorities'), in the exercise of their functions to have due regard to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the EA.
2. Advance equality of opportunity between people who share a characteristic and those who don't.
3. Foster good relations between people who share a characteristic and those who don't.

The PSED also covers marriage and civil partnership but only with regard to eliminating discrimination.

The EA explains that having due regard for advancing equality involves:

- removing or minimising disadvantages experienced 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 with protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

Key areas of activity for ensuring the general duty is being done are equality monitoring and reporting, ensuring involvement of protected groups and equality impact assessment (EIA); the council has guide and a toolkit on EIA which is available in the [equality and diversity section](#) of the Council' public website.

Partnerships

Public sector partners who are involved in partnership working are responsible for meeting the PSED under the EA within their partnership role. Partnership activity is one of their functions and is therefore covered by the PSED.

As public bodies are members of the West Dunbartonshire Community Planning Partnership, the partnership as a whole is under obligation in relation to the PSED. In practice, this means that initiatives or joint work conducted under the remit of the Community Planning Partnership will be subject to the requirements of the equality duties.

The Single Outcome Agreement ('SOA') has been subject to an Equality Impact Assessment. SOAs will be replaced by Local Outcome Improvement Plans in October 2017. Relevant equalities performance indicators should be included in each partnership's performance report. Partners should review findings and take appropriate action on mitigating adverse impact and advancing equalities when planning and then delivering of programmes.

Every reasonable effort should be made to ensure all protected characteristics/groups are included within the planning and delivery of services by individual partners and collectively by partnerships. This should be done by the most appropriate methods either via existing groups or forums or by considering setting up an equalities working group with a clear remit and focus on particular areas of work, such as shared EIA, training, or setting equality objectives.

The Specific Duties

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 came into force on May 27th 2012; these specific duties are designed to help listed public sector organisations including Councils, the police, fire and rescue, and health boards meet the general duty by stipulating specific things that must be done. If authorities are currently following recognised best practice, they will already be doing many of the things required by the specific duties.

The key requirements on listed public authorities are to:

- report on mainstreaming the equality duty
- publish equality outcomes and report progress

- assess and review policies and practices
- gather and use employee information
- publish gender pay gap information
- publish statements on equal pay
- consider award criteria and conditions in relation to public procurement

All of this must be published in a manner that is accessible.

Guidance on the specific duties is available from the Equality and Human Rights Commission [website](#).

Advice and Support

You can address enquires to policy development officer based in the community planning and policy team community.planning@west-dunbarton.gov.uk