

MEETING THE PUBLIC SECTOR EQUALITY DUTY

INTRODUCTION TO THE NOTE

This note outlines the role of the Public Sector Equality Duty (PSED) within the Towns Fund and provides some material to support its discharge.

INTRODUCTION TO THE PUBLIC SECTOR EQUALITY DUTY AND PROTECTED CHARACTERISTICS

The Equality Act 2010¹ set out measures to protect people from discrimination. The 'axes' on which this is defined and measured cover the nine protected characteristics:

- **Age**
- **Disability**
- **Gender reassignment**
- **Marriage and civil partnership** (note, this is a protected characteristic only in regard to eliminating discrimination)
- **Pregnancy and maternity**
- **Race**
- **Region or belief**
- **Sex**
- **Sexual orientation**

The Equality Act also sets the PSED, requiring public bodies (as defined in the Act, but for the purposes of the Towns Fund, covering all local authorities) to consider how their policies or decisions affect people who are protected under the Equality Act.

The standard set is to ensure local authorities 'have due regard' to the need to '*eliminate discrimination ... advance quality of opportunity, and ... foster good relations between different people*'. As such, it is a positive or affirmative duty, in that equality should be promoted, as opposed to a 'do not harm' duty to not worsen a situation. To support this, positive discrimination is possible.

Additionally, in 2014 Government introduced a requirement for government departments to explicitly consider the family perspective in decision making – the 'Family Test'². Whilst the Family Test only applies to government departments and not local authorities, Towns may choose to consider alongside the protected characteristics.

¹ <https://www.gov.uk/guidance/equality-act-2010-guidance>

² Government has published guidance on the Family Test. Although this is not required from local authorities, the same considerations are often part of local authority decision making and policy targeting. It is not a statutory requirement, but there is an expectation that government departments will undertake it where it is relevant and proportionate to do so. Although Government Departments are expected to document the Family Test, they are not obliged to publish them.

DISCHARGING THE PUBLIC SECTOR EQUALITY DUTY

PSED is discharged in different manners, depending on whether a specific project/programme is being assessed or it is a wider programme/strategy.

- For a specific project or programme (such as a local plan, development proposal that might require planning permission or is a particular thing in a particular place) the PSED is normally demonstrated and discharged through an equalities impact assessment (EqIA). There is no mandatory or statutory requirement to complete an EqIA, nor for a record to be kept of how equalities considerations have been taken into account. However, both are considered good practice and provide a trail for audit, challenge and defence.
- For a programme, strategy or something that covers a wider area (even nation-wide) or wider array of projects it would be more usual to wrap the PSED into a regulatory impact assessment (RIA), considered alongside other strategic considerations. (It should be noted that government RIA guidance³ does talk about the impact on places, businesses and people but does not refer explicitly to protected characteristics, and as such does not fulfil the PSED.)

Towns Fund bids are likely to comprise a range of projects and may cover a substantial geographic area. They therefore 'fall between' an EqIA and an RIA, and it is suggested that both these scales/types of assessment are required.

To support Towns in discharging the PSED, a set of two inter-related templates are provided which together provide a simple framework for considering impact on the protected characteristics as well as the Family Test (if chosen to include in the assessment):

- a project-level assessment template; and
- a programme-level assessment template.

The templates reflect the principles of EqIA and RIA and provide an integrated method for assessment and recording. Notwithstanding the templates, local authorities are responsible for the proportionality and robustness of their assessment, and may need to go beyond the templates to reflect local circumstances and/or to undertake a more detailed assessment of projects of a higher intensity or complexity.

As well as simply discharging the PSED for its own sake, assessing how projects and the wider programme impact on different groups of people is a valuable exercise in making sure that the Towns Fund investment benefits all and is as successful as possible. Following the assessment, there may be a need for further actions, including changing aspects of the projects or even re-prioritising projects. The TFDP have developed a Project Re-Prioritisation Tool for Stage 2 of the Towns Fund, which nudges you to ensure you have considered relevant PSED implications on your projects during project confirmation stage. You can download that tool and watch a tutorial for how to use it by clicking this link:

<https://townsfund.org.uk/resources-collection/project-re-prioritisation-tool>.

³ <https://www.gov.uk/government/collections/impact-assessments-guidance-for-government-departments>

TERMS & CONDITIONS



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PROJECT-LEVEL ASSESSMENT – ENTERPRISE ARCADE

The project-level assessment table has been completed for the project, as provided below. This follows EqIA principles to help to provide assurance that the duty has been appropriately discharged (and the outcomes recorded). The table is intended for submission as part of the business case, as well as included in the summary document.

Name of project:	<i>Enterprise Arcade</i>
Project objectives: (describe the project's aim as it relates to protected characteristics)	<p>The vision for the project is to support the growth and diversification of Southport's Economy and regeneration of the Town Centre</p> <ul style="list-style-type: none"> • Help to retain young people in Southport • Provide a 'hub' for Southport's key Sector(s), to <ul style="list-style-type: none"> ○ Provide and/or connect businesses and new business start-ups with the support they need to thrive ○ Develop structured networks, for example to enable knowledge transfer, innovation exchange and peer to peer support ○ Act as a platform to better integrate business skills and talent needs with education and training • Act as a catalyst for Southport's commercial office market and support the development of a 'Creative and Digital District'

Consideration (describe only where different to the national average, or where otherwise relevant)	Protected Characteristics (Part 1)				
	Age	Disability	Gender reassignment	Marriage and civil partnerships	Pregnancy and maternity
Baseline situation	Dukes Ward* (main ward covering the project area) to be compared against Sefton as a Borough / Liverpool City Region and England.	Dukes Ward* (main ward covering the project area) to be compared against Sefton as a Borough / Liverpool City Region and England.	No Impact	No Impact	Dukes Ward* (main ward covering the project area) to be compared against Sefton as a Borough and England.
	31% of the population in Dukes Ward is aged 65 and over compared to 24% in Sefton, 19% cross the Liverpool City Region and 18% in England.	Approximately 9% residents aged 65 and over received some form of long-term care from Sefton's Adult Social Care during the 2020/21 financial year.			The general fertility rate of 53.8 in Dukes ward is significantly lower than the Sefton (60.1) and England (60.6) rates.
	6% of the population in Dukes Ward is aged 85 and over, compared to 3% in the Borough and 2% in the Liverpool City Region and England	In January 2021, 812 residents were claiming PIP, a rate of 103 per 1000 residents (aged 16+). This is compared to 101.1 per 1000 in Sefton, 111.1 per 1000 in LCR, 83.4 per 1000 in the NW and 61.8 per 100 in England			
		During the 2011 Census, 9% of residents were in either bad or very bad health (Sefton average was 7%). 28% had their activities limited a little or a lot by their health (Sefton average was 23%).			

Consideration	Protected Characteristics (Part 1)				
	Age	Disability	Gender reassignment	Marriage and civil partnerships	Pregnancy and maternity
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	Enterprise Arcade will be accessible to all both in terms of the physical conversion of the building (within the confines of the heritage status) also in terms of the support to be provided by the operator in securing the project objectives as set out above.	Enterprise Arcade will be accessible to all both in terms of the physical conversion of the building (within the confines of the heritage status) also in terms of the support to be provided by the operator in securing the project objectives as set out above.	Enterprise Arcade will be accessible to all in terms of the support to be provided by the operator in securing the project objectives as set out above.	Enterprise Arcade will be accessible to all both in terms of the support to be provided by the operator in securing the project objectives as set out above.	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE Positive In providing a flexible, locally accessible professional affordable co-working space Enterprise Arcade will provide the opportunity to support new ways of working addressing any potential barriers to work, continued engagement and re engagement with the 'world of work' the project will also support personal development and promote local opportunities. The operator will be required to demonstrate within their proposals and through continued engagement and 'performance' monitoring' how they are addressing these areas through their business plan and operating practices.	+VE / M / -VE Positive In providing a flexible, locally accessible professional affordable co-working space Enterprise Arcade will provide the opportunity to support new ways of working addressing any potential barriers to work, continued engagement and re engagement with the 'world of work' the project will also support personal development and promote local opportunities. The operator will be required to demonstrate within their proposals and through continued engagement and 'performance' monitoring' how they are addressing these areas through their business plan and operating practices.	+VE / M / -VE Positive In providing a flexible, locally accessible professional affordable co-working space Enterprise Arcade will provide the opportunity to support new ways of working addressing any potential barriers to work, continued engagement and re engagement with the 'world of work' the project will also support personal development and promote local opportunities. The operator will be required to demonstrate within their proposals and through continued engagement and 'performance' monitoring' how they are addressing these areas through their business plan and operating practices.	N/A +VE / M / -VE	+VE / M / -VE Positive In providing a flexible, locally accessible professional affordable co-working space Enterprise Arcade will provide the opportunity to support new ways of working addressing any potential barriers to work, continued engagement and re engagement with the 'world of work' the project will also support personal development and promote local opportunities. The operator will be required to demonstrate within their proposals and through continued engagement and 'performance' monitoring' how they are addressing these areas through their business plan and operating practices.
If the effect is negative or mixed:					
Is the effect significant? <i>(add an explanation)</i>	Y / N No Enterprise Arcade will provide a demonstrator project for achieving the objectives set out above. In this regard whilst not in itself of such scale as to address wider challenges the project will provide a context for inclusive future thinking, good and best practice.	Y / N No Enterprise Arcade will provide a demonstrator project for achieving the objectives set out above. In this regard whilst not in itself of such scale as to address wider challenges the project will provide a context for inclusive future thinking, good and best practice.	Y / N No Enterprise Arcade will provide a demonstrator project for achieving the objectives set out above. In this regard whilst not in itself of such scale as to address wider challenges the project will provide a context for inclusive future thinking, good and best practice.	Y / N NA	Y / N No Enterprise Arcade will provide a demonstrator project for achieving the objectives set out above. In this regard whilst not in itself of such scale as to address wider challenges the project will provide a context for inclusive future thinking, good and best practice.
What embedded mitigation does the project contain?	Outputs outcomes and monitoring embedded within the tenant/operator schedule of requirements	Outputs outcomes and monitoring embedded within the tenant/operator schedule of requirements.	Outputs outcomes and monitoring embedded within the tenant/operator schedule of requirements.	N/A	Outputs outcomes and monitoring embedded within the tenant/operator schedule of requirements.
What residual significant effects remain?	None	None	None	N/A	None
Is there an in-combination effect across multiple protected characteristics (across both Part 1 and Part 2 of the assessment table)? <i>(e.g. the proposed project has minor effects across several protected characteristics which, when considered together, have a more significant impact)</i>	No, the main effects are not significant in combination in and of themselves. The effects are positive for protected characteristics and will help support and encourage wider transformational change outside of the project.				

Consideration	Protected Characteristics (Part 1)				
	Age	Disability	Gender reassignment	Marriage and civil partnerships	Pregnancy and maternity
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	The operator will be performance managed against the Enterprise Arcade tenancy and schedule of requirements by the Council as landlord	The operator will be performance managed against the Enterprise Arcade tenancy and schedule of requirements by the Council as landlord	The operator will be performance managed against the Enterprise Arcade tenancy and schedule of requirements by the Council as landlord	N/A	The operator will be performance managed against the tenancy and schedule of requirements by the Council as landlord

Consideration	Protected Characteristics (Part 2)				
	Race	Religion or belief	Sex	Sexual orientation	'Family Test' (if used)
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	NA	NA	NA	NA	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	NA	NA	NA		
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE	+VE / M / -VE	+VE / M / -VE	+VE / M / -VE	+VE / M / -VE
If the effect is negative or mixed:					
Is the effect significant? <i>(add an explanation)</i>	Y / N	Y / N	Y / N	Y / N	Y / N
What embedded mitigation does the project contain?	NA	NA	NA	NA	
What residual significant effects remain?	None	NA	NA	NA	
Is there an in-combination effect across multiple protected characteristics (across both Part 1 and Part 2 of the assessment table)? <i>(e.g. the proposed project has minor effects across several protected characteristics which, when considered together, have a more significant impact)</i>	No				
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	Not required	NA	NA	NA	

