

REPORT TO: Cabinet member Communities
DATE: 3rd November 2010
SUBJECT: Equality Act 2010
WARDS AFFECTED: ALL
REPORT OF: Samantha Tunney; Assistant Chief Executive
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**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To brief Cabinet Member Communities on the changes in duties imposed on the council by the new Equality Act 2010 which came into force on the 1st October 2010.

REASON WHY DECISION REQUIRED:

The council is required to meet it's legal obligations laid out in the Equality Act 2010

RECOMMENDATION(S):

1. Cabinet Member Communities is requested to note the content of the report.
2. Cabinet member to agree for briefings to take place with other Cabinet Members

KEY DECISION: NO
FORWARD PLAN: NO
IMPLEMENTATION DATE: 1st October 2010

ALTERNATIVE OPTIONS:

None the Council is required to meet it's legal obligations as laid out in the Equality Act 2010

IMPLICATIONS: None

Budget/Policy Framework: None

Financial:

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: The council is required to meet it's legal obligations as laid out in the Equality Act 2010

Risk Assessment: None

Asset Management: None

CONSULTATION UNDERTAKEN/VIEWS

Legal Services have been consulted

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	√		
2	Creating Safe Communities	√		
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability	√		
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People	√		

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT
Equality Act 2010

EQUALITY ACT 2010 – Summary Briefing on the legislation

1. Principles of the Act

The Equality Act received royal assent in April 2010.

While this is partly a consolidating piece of legislation which integrates more than thirty years of equalities and anti-discrimination laws, the new Act also

- extends the scope of equalities into new areas
- sets out three new public sector duties to positively promote equality
- clarifies positive action policy
- requires a gender pay audit from Council's

2. Extending the scope of equalities: Protected Characteristics

Under existing legislation (such as Race Relations Amendment Act (2000), Disability Discrimination Act (2005), Equality Act 2006 etc) protection from discrimination has been defined under six 'strands' of equality. These are age, disability, gender, race, religion/belief and sexual orientation. The new Act defines discrimination in terms of nine "protected characteristics" which have added three new areas

- ☐ gender reassignment
- ☐ marriage and civil partnership
- ☐ pregnancy and maternity

No-one should be disadvantaged or discriminated on any of these grounds as an employee or service user.

3. Public sector Equality Duty

Existing legislation has required organizations to positively promote equality in the areas of race, gender and disability. The Equality Act simply extends this principle (defined as the new public sector equality duty) to include each of the nine protected characteristics. All public bodies will need to be positive and proactive in tackling discrimination for these protected characteristics.

4. Public sector Socio-economic Duty

The Act creates a new public sector duty on public authorities, when making decisions of a strategic nature to "*have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.*" We understand that it is unlikely that this duty will be enacted through guidance.

5. Age Discrimination

The provisions to tackle age discrimination in the provision of public services are all contained in the Equality Act. In summary the Act requires the Council to positively promote age equality (the third new public duty) and (from 2012) to eliminate age discrimination in services and in the exercise of public functions. The timetable for implementation is set out below.

October 2010
Consolidation of existing equalities legislation covering race, disability, gender, sexual orientation, faith and belief
April 2011
Implementation of new public sector duty to promote age equality
2012
Implementation of the ban on age discrimination in the provision of services and public functions

6. Equality Impact Assessing and making safe Financial Decisions

With major reductions in public spending the Council will be required to make difficult financial decisions. It is important that members of the Council make such decisions as fair as possible. It is important to note the Equality Act 2010 does not prevent the Council from making difficult decisions such as reorganisations and relocations, redundancies, and service reductions nor do they stop the Council from making decisions which may affect one group more than another. What the equality duties do is enable you the council to demonstrate that financial decisions are being made in a fair, transparent and accountable way, considering the needs and the rights of different members of your community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. The Equality and Human Rights Commission have produced a guide for decision makers in local government to ensure that safe financial decisions taken.