

Hampshire Fire and Rescue Authority

Human Resources Committee

Item 8

12 July 2011

Equality Act 2010 (specific duties) Regulations 2011 and the Annual Statement of Equality 2011-2012

Report by the Chief Officer

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1 Summary

- 1.1 Under previous equality legislation, Hampshire Fire and Rescue Authority (HFRA) and Hampshire Fire and Rescue Service (HFRS) had a duty to report employment figures relating to Race, Gender and Disability. In doing so HFRS have previously published an Annual Statement of Equality.
- 1.2 Revised legislation requires HFRS to continue to publish annual information that demonstrates compliance against the general duty, and in relation to all the protected characteristics covered by the Equality Act 2010.
- 1.3 This paper introduces the revised public sector duties of the Equality Act 2010 (specific duties) Regulations 2011, and provides the reader with a copy of the Annual Statement of Equality for 2011-2012 (Appendix A).

2 Recommendation

- 2.1 That the general and specific duties laid out within the Equality Act 2010 and the Equality Act 2010 (specific duties) Regulations 2011 respectively, be considered within the future scrutiny role of the HR Committee and more widely within the HFRA.
- 2.2 That the Annual Statement of Equality is endorsed by the HR Committee.

3 Equality Act 2010; General Duties

- 3.1 The Equality Act 2010 became legislation in October 2010. The General Equality Duty came became statute on 5th April 2011.
- 3.2 HFRS took part in wider consultation on the regulations relating to the “specific duties” last year. The Government’s commitment to reducing burdens and

bureaucracy, has resulted in a new set of draft regulations, published on 17 March 2011.

- 3.3 The “general duty” remains unchanged. The “general duty” mirrors the requirements placed on public bodies from the original duties for Race, Disability and Gender.
- 3.4 The general duty requires public bodies to have due regard to the need to:
 - eliminate unlawful discrimination, harassment and victimisation;
 - advance equality of opportunity;
 - foster good relations between people who share a protected characteristic and those who do not share it.

4 The Equality Act 2010 (specific duties) Regulations 2011

- 4.1 The draft specific duties are designed to be effective in delivering the “general duty.” These specific duties will be applicable from July 2011.
- 4.2 Public bodies will be required to:
 - Publish one or more specific and measurable equality objective – by no later than 6 April 2012 and at least every four years thereafter.
 - Information to demonstrate their compliance with the general duty – by no later than 31 December 2011 and annually thereafter. This information must include details relating to employees and others affected by their policies and practices (such as service users).
- 4.3 All information must be published in a way that is accessible to the public.

5 Implications for Hampshire Fire and Rescue Authority

- 5.1 We must remain committed to equality outcomes and ensuring that our processes are sufficiently sophisticated to enable us to pinpoint the improvements in those outcomes.
- 5.2 The approach to the specific duties means that public bodies can be held to account through greater transparency and challenge from the public in respect of equality improvements they deliver rather than the processes they go through.
- 5.3 Challenge from the public will be one the key means of holding Hampshire Fire and Rescue Authority (HFRA) and the Service to account for performance against equality outcomes. The Government are developing tools and mechanisms to support organisations and individuals to challenge public bodies effectively to ensure they publish the right information and deliver the right results.

6 Responding to the Specific Duties

- 6.1 HFRS responded to previous legislation that required us to publish information relating to our workforce with an Annual Statement of Equality. The Annual

Statement of Equality for 2010-2011 is attached with this paper at Appendix A.

- 6.2 HFRS will need to continue to understand the effect of policies and practices on equality. This will involve a continuation of looking at evidence, engaging with people and considering the effects of what we do (or don't do) on the whole community.
- 6.3 The Local Diversity Group (LDG) is the strategic forum for the performance management of the Service's progress towards equality compliance and will consider the wider implications on the specific duties for the Service. The HFRA's Diversity Champion, Cllr Fairhurst, is a member of that group. The considerations may include the following;-
- a) A shift in focus in relation to People Impact Assessments (PIA's) away from completion to assessing and pinpointing the improvements for people with protected characteristics.
 - b) Continued engagement mechanisms with a focus on the improvements made for people with protected characteristics.
 - c) Including information within each Service Plan and other business plans that relate to the equality improvements.
 - d) Continuing with and improving upon the published Annual Statement of Equality.
 - e) Using Diversity Champion's quarterly objectives as a mechanism for highlighting improvements.
 - f) Continuing to work towards 'Excellence' as described within the Fire Specific Equality Improvement Framework. A key theme in the Framework is continuous improvement. This is recorded and scrutinised via the Local Diversity Group and includes the key improvements arising out of the strategic projects that underpin our 'Journey to Excellence'.
 - g) Focussing Peer Challenge activities away from burdensome evidence gathering and assessment, towards the consideration of improvements arising out of our collective and individual commitment to equality.

7 Risk analysis

- 7.1 Failure to comply with the equality regulations could result in reputational damage with the public. This could also result in a formal challenge from the Commission for Equality and Human Rights, other representative groups or individuals.

8 People Impact Assessment

- 8.1 None

- 8.2 The proposals in this report are considered compatible with the provisions of the European Convention on Human Rights, the Human Rights Act 1998, and the Race Relations (Amendment) Act 2000.

9 Environmental and Sustainability impact assessment

- 9.1 None

10 Resource implications

- 10.1 No additional resource implications.

11 Consultation

- 11.1 The annual statement of equality will be provided to the Equality and Diversity Consultative and Scrutiny Group (EDCS). The EDCS are formed of members representative from external groups, relating to the protective characteristics (or equality strands). The group provide feedback relating to the protective characteristics and help HFRS to shape our objectives and inform our decision making. They do this through quarterly meetings held at HFRS HQ. Minutes and feedback are circulated to the Senior Management Team.

The Annual Statement of Equality will also be provided on HFRS Web Pages for general viewing by the public.

12 Conclusion

- 12.1 The revised regulations impose duties on HFRA and the Service. The purpose of the duties is to help ensure the delivery of quality services by Fire and Rescue Services giving due regard to the general duties as set out by the Equality Act 2010.

13 Background papers

- 13.1 The following documents disclose the facts or matters on which this report, or an important part of it, is based and has been relied upon to a material extent in the preparation of the report:

The Equality Act 2010

The Equality Act 2010 (specific duties) Regulations 2011

Note: The list excludes: (1) published works; and (2) documents that disclose exempt or confidential information defined in the Act.