

Evaluating equality and human rights

Equality objectives and strategic equality plans - The Equality Act 2010

The Equality Act 2010 (the Act) brings together and replaces the previous anti discrimination laws with a single Act.

The Act includes a new **public sector equality duty** (the 'general duty'), replacing the separate duties on race, disability and gender equality. This came into force on 5 April 2011.

What is the general duty?

Public authorities (providers) are required to have due regard to the need to:

1. eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act
2. advance equality of opportunity between people who share a relevant protected characteristic and those who do not
3. foster good relations between people who share a protected characteristic and those who do not.

This guidance refers to these three elements as the three 'aims' of the general duty and so when we discuss the general duty we mean all three aims.

The Equality Act covers the same groups that were protected by existing equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity – but extends some protections to groups not previously covered, and also strengthens particular aspects of equality law. These are now more commonly known as the protected characteristics and the groups are referred to as the protected groups.

Note too in relation to the list of protected characteristics, that schools do not have to consider the protected characteristic of age when providing education to pupils or when providing benefits, facilities or services to them. Schools do not therefore have to consider advancing equality of opportunity between pupils of different ages, nor consider

how to foster good relations between pupils of different ages. This is a narrow exception that only applies in relation to age. Schools will still need to have due regard to the general duty in respect of each of the other protected characteristics.

Specific duties in Wales

There are also a range of specific duties that providers need to cover. The broad purpose of the specific duties in Wales is to help providers in their performance of the general duty and to aid transparency.

Equality objectives and strategic equality plans

The purpose of a strategic equality plan is to document the steps a provider is taking to fulfil its specific duties.

- Providers must publish strategic objectives and have drawn up a strategic equality plan by 2 April 2012. Strategic objectives should be reviewed at least every four years. So for example, providers must have a current strategic equality plan dated from 2020 onwards.
- Providers must also publish an annual equality report by 31st March each year, which includes details on progress towards fulfilling each of the equality objectives.

Inspection checklist

For Estyn's purposes, the main points you should consider are whether:

- the provider has published strategic objectives (must be reviewed at least every four years), a strategic equality plan and an annual equality report
- the plan includes a description of the provider and its equality objectives
- the steps it has taken or intends to take to meet its objectives and in what timescale
- its arrangements to monitor progress on meeting its equality objectives and the effectiveness of the steps it is taking to meet those objectives
- its arrangements to identify and collect relevant equality information; this includes information gathered from engaging with protected groups about how the work of the provider may relate to the general duty
- its arrangements for publishing relevant equality information that it holds and

- which it considers appropriate to publish
- its arrangements for:
 - assessing the likely impact on protected groups of any policies and practices that an authority is proposing, reviewing or revising
 - monitoring their actual and ongoing impact
 - publishing reports where an assessment shows a substantial impact (or likely impact) on an authority's ability to meet the general duty
 - details of how a provider will promote knowledge and understanding of the general and specific duties among employees, including through performance assessment procedures to identify and address training needs