

**GWENT POLICE AUTHORITY**  
**Equality and Human Resources Committee**

**Date:** 15<sup>th</sup> June, 2009

**Item No:** 7e

**Heading:** The Equality Bill

**Report Author:** Chief Executive

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**SUMMARY**

This report provides an overview of the Government Equalities Office (GEO) Equality Bill, which will help streamline the law and provide people with better understanding of their rights.

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**RECOMMENDATION(S)**

**That Members note the content and recommendations of the report.**

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**1. BACKGROUND**

- 1.1 The much anticipated Equalities Bill was announced in parliament on 24<sup>th</sup> April 2009, which has been introduced to strengthen existing equality law and bring forward new measures to fight discrimination. It will replace the current mass of legislation with a single Act, which will form the basis of straightforward practical guidance for employers, service providers and public bodies.
- 1.2 A significant development for police authorities is the proposal of a new duty for strategic public authorities to consider socio-economic inequality.

**2. PROPOSAL FOR CONSIDERATION BY COMMITTEE AND CURRENT POSITION**

- 2.1 It is envisioned that the Equality Bill will strengthen our equality law by:
- a. Introducing a new public sector duty to consider reducing socio-economic inequalities.**
- A new duty will be placed on Government Ministers, departments and key public bodies such as local authorities and NHS bodies to consider what action they can take to reduce the socio-economic inequalities people face. It will affect how public bodies make strategic decisions about spending and service delivery, and enshrine in the law the role of our key public bodies in narrowing gaps in outcomes resulting from socio-economic disadvantage. This will be a strategic duty applying to those with responsibilities to set outcomes and targets, and plan or commission services. Under this proposal it would apply to a police authority but not to police forces.

**b. Putting a new Equality Duty on public bodies.**

A new single public sector Equality Duty will be created which will continue to cover race, gender, and disability but will be extended to cover age, sexual orientation, religion or belief, pregnancy and maternity explicitly, and gender reassignment in full. It will require a range of public bodies to consider the needs of diverse groups in the community when designing and delivering better public services so that people can get fairer opportunities and better public services. The legislation will list the public bodies to which the Equality Duty applies and will include the police service, among others.

**c. Using public procurement to improve equality.**

The public sector already has legal obligations to consider the needs of women, disabled people and ethnic minorities and the new Equality Duty will extend this to cover age, sexual orientation, gender reassignment and religion or belief. The Bill makes it clear that public bodies can use procurement to drive equality and enables Ministers to set out how public bodies should go about doing so. Over the summer, consultation will be undertaken on the specific duties which will underpin the new Equality Duty.

**d. Banning age discrimination outside the workplace.**

The Equality Bill will make it unlawful to discriminate against someone aged 18 or over because of age when providing services or carrying out public functions.

**e. Introducing gender pay and equality reports.**

The Equality Bill includes powers for Ministers to require public authorities to report on equality issues. The GEO will consult on the precise details in the summer but it anticipates that public bodies with over 150 employees will be required to publish annual details of:

- their gender pay gap;
- their ethnic minority employment rate; and
- their disability employment rate.

**f. Extending the scope to use positive action.**

The Bill will expand the way positive action can be used so that employers can pick someone for a job from an under-represented group when they have two or more candidates who are equally suitable, provided they do not have a general policy of doing so in every case. It will not allow positive discrimination, which will remain unlawful.

**g. Strengthening the powers of employment tribunals.**

Employment tribunals will be allowed to make recommendations in discrimination cases which benefit the whole workforce and not just the individual who won the claim, helping to prevent similar types of discrimination occurring in the future. Failure to comply with a recommendation could be used as evidence to support subsequent similar discrimination claims.

**h. Protecting carers from discrimination.**

The Equality Bill will strengthen the law, protecting people from discrimination themselves when they are associated with someone who is protected themselves, for example, as their carer. For example, an employer could not refuse to promote a member of staff just because he cares for an older relative.

**i. Protecting breastfeeding mothers.**

As people are unsure of their rights in this area, the Bill will clarify that it is unlawful to force breastfeeding mothers and their babies out of places like coffee shops, public galleries and restaurants.

**j. Banning discrimination in private members' clubs.**

The Equality Bill will make it unlawful for associations, including private members' clubs, to discriminate against members, or guests of members invited to a club. Clubs that admit a range of members will have to treat them all equally.

**k. Strengthening protection from discrimination for disabled people.**

The Bill will make it unlawful to knowingly treat a disabled person in a particular way which amounts to poor treatment, unless the treatment can be justified.

- 2.2 Members are asked to note that there will be actions arising for police authorities once the Equality Bill has been passed; however due to the implementation timescale, it is recommended that all current activity around equality and diversity continues unchanged to ensure compliance with the standing equality duties. Any resulting changes are not anticipated to come into effect until 2011 at the earliest.

**3. STAFFING/PERSONNEL IMPLICATIONS**

- 3.1 There are no staffing/personnel implications associated with this report.

**4. FINANCIAL IMPLICATIONS**

- 4.1 There are none rising directly from the content of this report.

**5. CONSULTATION**

- 5.1 The GEO will be conducting consultation on the Bill throughout:
- spring 2009 - views will be sought on the impact of a provision to protect people from multiple discrimination; and
  - summer 2009 - consultation on the proposals for the detailed requirements under the public sector Equality Duty and on age discrimination.
- 5.2 Consultation documents are due for release in June 2009.

## **6. PROJECT ASSESSMENT FOR EQUALITY AND DIVERSITY MATTERS**

- 6.1 This project/proposal has been considered against the general duty to promote equality, as stipulated under the Police Authority's Equality Scheme, and has been assessed not to discriminate against any particular group.

## **7. RISK ASSESSMENT**

- 7.1 There are no risks arising from the content of this report.

## **8. STAYING AHEAD (2011 REVIEW)**

- 8.1 The matters raised in this report have been considered in the context of the Staying Ahead Project and are not considered to have any direct consequences for the outcomes.

## **9. CONCLUSION**

- 9.1 The Equality Bill will generally apply in Scotland, Wales and England with the socio-economic Duty applying to England and Wales only.

- 9.2 The GEO anticipates the following timelines for the Bill:

- a second reading is expected to take place in May;
- Commons Committee stage is expected in June,
- receipt by the House of Lords at the beginning of the new parliamentary session.
- Royal Assent expected in spring 2010 subject to the approval of both Houses.

- 9.3 The majority of the Bill is anticipated to come into force during the autumn of 2010. This is the earliest possible commencement date after the Bill has received Royal Assent.

- 9.4 Certain parts of the Equality Bill, such as the socio-economic duty on public bodies, and the public sector Equality Duty are likely to come into force from the spring of 2011, with the new law on age discrimination coming into force in phases starting with those sectors most ready to comply. This will form part of the Authority's Single Equality Scheme.

## **10. CONTACT OFFICER**

- 10.1 Caroline Hawkins, Equality and Research Officer

## **11. BACKGROUND PAPERS**

- 11.1 'A Fairer Future: The Equality Bill and other action to make equality a reality', Government Equalities Office (April 2009).

## **12. APPENDICES**

- 12.1 None