

## Introduction

As a local authority, the Parish Council have a range of legal responsibilities to meet which are set by law. These require the authority to address discrimination and to ensure that processes are in place to meet the equalities duties.

In October 2010 a new single Equality Act became law (Equality Act 2010). This new Act has brought together nearly all of the existing equalities legislation and includes the following major pieces of legislation:-

- Sex Discrimination Act (1975)
- The Race Relations (Amendment) Act (2000)
- The Disability Discrimination Act (2005)
- The majority of the Equality Act (2006)

The new Act has also given us a new Equality Duty which became law on 5<sup>th</sup> April 2011. This new duty increases the range of equalities action beyond the traditional groups:-

- Race;
- Gender;
- Disability;

to include strengthened protection for all persons who might be discriminated against because of their:-

- Age;
- Disability;
- Sex;
- Sexual orientation,
- Religion or belief (or no belief at all);
- Gender reassignment;
- Pregnancy and maternity;
- Race – includes ethnic or national origins, colour or nationality;

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

## Objective

There are three aims which are part of any decision process:-

1. Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
2. Advance equality of opportunity between people who share a protected characteristic and people who do not share it;
3. Foster good relations between people who share a protected characteristic and people who do not share it.

## Implementing the Equality Duty

The following principles are essential in order for the Equality Duty to be fulfilled:-

1. **Knowledge** – those who exercise the public body's function need to be aware of the requirements of the Equality Duty. Compliance with the Equality Duty involves a conscious approach and state of mind;
2. **Timeliness** – the Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
3. **Real consideration** – consideration of the three aims of Equality Duty must form an integral part of the decision-making process. The Equality Duty is not a matter of box-ticking; it must be exercised in substance with rigour and with an open mind in such a way that it influences the final decision.
4. **Sufficient information** – the decision maker must consider what information he or she has and what further information may be needed in order to give proper consideration to the Equality Duty.
5. **No delegation** – public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the Equality Duty are required to comply with it and that they do so in practice. It is a duty that cannot be delegated.
6. **Review** – public bodies must have regard to the aims of the Equality Duty not only when a policy is developed and decided upon, but also when it is implemented and reviewed. The Equality Duty is a continuing duty.

People who need to be involved from the Parish Council

Parish Councillors and Clerk.

Enforcement

The Equality and Human Rights Commission is responsible for assessing compliance with and enforcing the Equality Duty. It has powers to issue compliance notices to public bodies that have failed to comply and can apply to the courts for an order requiring compliance. The Equality Duty can also be enforced by judicial review which can be done by the Commission or any individual or group of people with an interest.

Signature

Date

Chairman of the Parish Council

Signature

Date

Clerk to the Parish Council