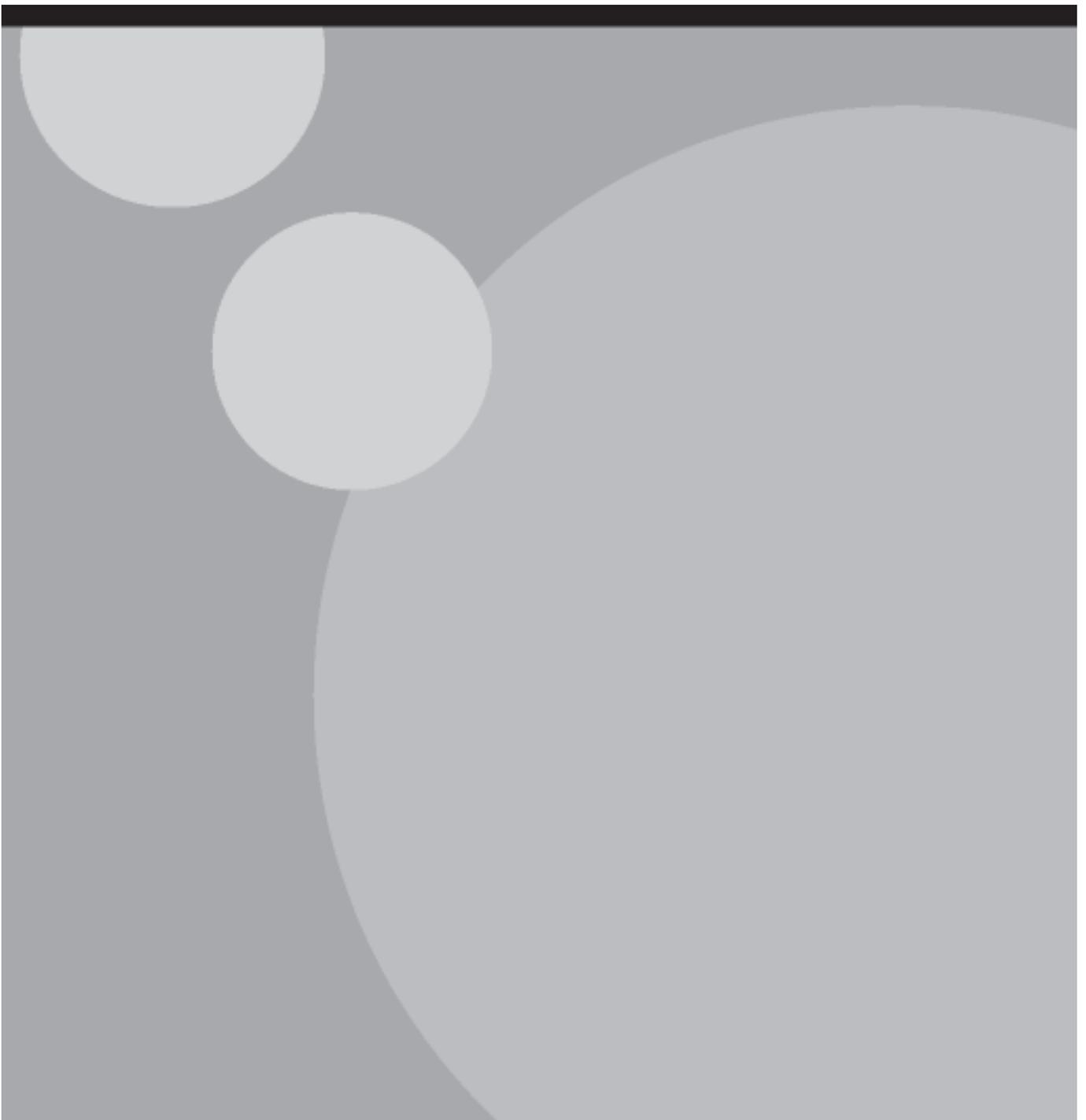




Public Sector Equality Duty  
**DCLG Equality Objectives - 2012-2016**





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# 1. Introduction to the legislation

As a public body, the Department for Communities and Local Government, has a [specific duty](#) to publish equality objectives under the [Public Sector Equality Duty](#), which is part of the Equality Act 2010. These support the Department in meeting the requirements of the General Equality Duty.

## 1.1 The General Equality Duty

Section 149 of the Equality Act 2010 imposes a 'General Equality Duty' on all public bodies covered by the Act, to have due regard to the need to:

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

The three arms of the General Duty are collectively referred to as the 'duty to promote equality'. The Department for Communities and Local Government is a public body listed in [Schedule 19](#) of the Act and therefore has a duty to promote equality across all groups with 'protected characteristics'.

The characteristics protected under the Act are:

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race;
- Religion or belief;
- Sex; and
- Sexual orientation.

## 1.2 Key principles of 'Due Regard'

The Government's approach to having "due regard" is based on guidance from the relevant statutory bodies ( the Equality and Human Rights Commission in England) and legal principles arising from case law. *Brown vs. Secretary of State for Work and Pensions* (2008) and other cases where the previous public sector equality duties were considered, have established a set of principles which could assist decision makers:

- **Knowledge** - decision makers (including Ministers) should be aware of their duty to have due regard to the aims of the General Equality Duty.

- **Sufficient information** - decision makers must consider whether they have sufficient information in order to give proper consideration to the matters set out in the Equality Duty. This will assist decision makers to understand the potential impact of their proposed decisions on people with relevant protected characteristics.
- **Timeliness** - public bodies must have due regard “before and at the time that a particular decision is being considered”. This means that equality must form part of the decision making process as it happens and not after the event.
- **Real consideration** - consideration of the three aims of the equality duty must form an integral part of the decision-making process. The equality duty must be exercised fully, rigorously and with an open mind.
- **No delegation** - Ministers, public bodies and others carrying out public functions may use their staff and third parties to assist them to assess the impact of a decision on equality. However, where they make the ultimate decision, they cannot delegate their responsibility to consider the aims of the General Equality Duty to another person.
- **Review** - public bodies must have due regard to the aims of the General Equality Duty, not only when a policy is developed and decided, but also when it is implemented and reviewed. The General Equality Duty is a continuing duty.

### 1.3 The Specific Duties

The Equality Act 2010 (Specific Duties) [Regulations 2011](#) requires all public bodies to:

- Publish information to demonstrate its compliance with the General Duty within the timescales required and at intervals of not greater than one year beginning with the date of the last publication. The information must be published in such a manner that it is accessible to the public.
- Prepare and publish one or more objectives within the timescales required by the Specific Duties and subsequently at intervals of not greater than four years beginning with the date of the last publication.
- Equality objectives must be published by 6 April 2012 and subsequently at intervals of no more than four years. The objectives should be specific and measurable.

## 2. Our approach to setting our objectives

The legislation states that equalities objectives can last for up to four years but the Department will monitor performance and review, amend and update them as necessary in line with our business planning and review processes. It our aim to ensure that equality objectives are aligned and embedded into the Department's business plans.

We will also built on our established practice of consulting our staff networks and external partners on diversity issues to ensure our implementation of the equality legislation and the discharge of our responsibilities under the Public Sector Equality Duty is informed by wide considerations and ideas.

DCLG operates as a strategic department committed to a fundamental shift in power away from Westminster to councils, communities and homes across the nation. Following the principles of localism, we set national policy frameworks in support of local delivery, with responsibility and accountability for delivery generally resting with local agencies. We do not have direct responsibility for major public services but instead seek to influence others in carrying out their functions, many of whom will themselves hold responsibilities under the Equality Act 2010. Our equality objectives are set with this approach in mind.

### 2.1 Setting departmental objectives

Each department is required to set and publish high-level equalities objectives for the organisation as a whole. They are also asked to consider setting equalities objectives for specific policy areas if they are found to have a potentially high impact on equalities.

The proposed high level departmental objectives build on our previous single equality strategy objectives to mainstream equalities and diversity by integrating it into all we do and reflect our ambitions to be a top performing department. They also draw on the Equality and Human Rights Commission's [guidance](#) which advocates engagement as good practice, in that it supports our evidence-base for decision making.

Our high level objectives are:

- **Align all that we do with the Public Sector Equality Duty**  
We will integrate equality and diversity into all we do, aligning delivery with our business planning process and reviewing quarterly information on equality and diversity in relation to both staff and services
- **Becoming a better Department**  
We will monitor our progress in promoting equality and diversity so we can continuously improve what we do.
- **Develop an open culture where staff and other partners are involved and engaged**  
We will identify and consult with internal and external stakeholders (e.g. staff networks and relevant national equality organisations) to ensure that objectives are informed by wide considerations and ideas.

## **2.2 Aligning our objectives to Government Equality Strategies**

DCLG is committed to examine its programmes and policies to find appropriate ways to align its equality objectives with the Coalition Government's equality strategies; in particular to strengthen women's engagement in accordance with cross-government commitments on strengthening Women's Voices and the Disability Strategy.

### 3. Proposed equality objectives

#### **Objective 1 - Align all that we do with Public Sector Equality Duty**

We will know we have succeeded when:

- Equality and diversity is integrated into all we do; by aligning the business planning process and reviewing quarterly information on equality and diversity in relation to both staff and services.
- We mitigate against issues highlighted in our analysis documents that have a negative equality impact on our staff and services.
- We ensure, where appropriate, that 'protected characteristics' is used as a dimension of analysis within its research and statistical activities.
- We are able to evidence where our talent management programmes have supported appropriate representation for staff with protected characteristics
- We identify and mitigate specific issues affecting groups or staff with 'protected characteristics'.
- We align our programmes and policies with relevant cross-government equality strategies or commitments.

In particular we will:

- Ensure the impacts of new policies on protected groups are considered by reviewing equality statements quarterly and reporting the outcome to DCLG's Equality and Diversity group - in April, July, October and February each year.
- Use the annual Civil Service staff survey and our workforce diversity data to identify barriers to progress experienced by staff with 'protected characteristics'.
- Produce a Departmental Equality and Diversity Strategy to promote integration of good practice into our work and mitigate any issues highlighted by analysis of employee data and the impact of new employment policy and process by July 2012.

#### **Objective 2 - Becoming a better Department**

We will know we have succeeded when:

- Our progress in promoting equality and diversity is monitored and reviewed on a quarterly basis and we continuously improve what we do.
- The percentage of DCLG staff providing information on diversity in our internal staff survey matches the best results in other public sector organisations.
- Reported bullying, harassment and discrimination is dealt with effectively throughout the Department in accordance with agreed policy, especially where this is shown to affect protected groups.
- Protected groups are not disproportionately affected by the implementation of business and policy decisions.

- Flexible working patterns are balanced with business need in the context of a smaller workforce.
- All staff are supported to ensure progression through to the Senior Civil Service.

### **Objective 3 - Develop an open culture where staff and other partners are involved and engaged**

We will know we have succeeded when:

- Through consultation with staff networks, our Equality and Diversity Champions and relevant equality organisations on appropriate issues, we evidence that their feedback supports the improvement of our work.

In particular we will:

- Consult with staff network representatives and our Equality and Diversity Champions continuously, on equality issues and specifically ensure that they participate in the review of our equality objectives - January each year.
- Meet with representatives of relevant equality organisations twice yearly to ensure that our approach to equality is informed by wide considerations and ideas - in June and December each year.