

The Public Sector Equality Duty

Showing due regard to the equality duty in how we develop our work and in our decision making

Section 1: The legislation

The Public Sector Equality Duty (PSED)



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The aim of the PSED, as stated in the Equality Act 2010, is to embed equality considerations into the day to day work of public authorities, so that they tackle discrimination and inequality and contribute to making society fairer.

The Equality duty covers the following protected characteristics (PC) as defined by the Equality Act 2010:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief and
- Sex
- Sexual orientation

For the public sector equality duty variance:

- Marriage and civil partnership only relates to discrimination, including harassment and victimisation.

Risk factor considered as a contributory factor to increased inequality by life chances and experiences and significantly so when coupled with a protected characteristic

- Socio-economic disadvantage

The PSED consists of a general duty to state what we will do and the specific duties are designed to help public bodies meet the general duty.

The General Duty

The General Duty requires public bodies to have due regard and the Service will demonstrate this by the completion of an People Impact Assessment (PIA). A PIA involves analysing the effect, or potential effect, of the way we do our business upon groups that share PCs. A PIA will apply to any new and existing policy, strategy, service, function, work programme, project, practice and activity. This includes decisions about budgets, procurement, commissioning or de-commissioning services, service design and implementation

The PIA involves looking at our equality data and the outcome of our community engagement. We need to analyse whether our policies and practices show 'due regard' for the three aims of the PSED as listed below. The analysis should highlight effects that increase equality, decrease inequality or have no impact upon equality across the PCs. Its purpose is not just to paint a picture, but to identify practical steps to improve outcomes in relation to the PSED by:

- (a) Eliminating any unlawful discrimination,
- (b) Advancing equality of opportunity and
- (c) Fostering good relations between different groups.

Specific Duties

The specific duties are intended to support compliance with the General Duty.

The specific duties focus on reducing burdens and bureaucracy on public bodies, and moving away from a process-driven approach to focus on transparency. The specific duties require the Service to:

- Publish information to demonstrate our compliance and we will do this by publishing our PIAs
- Set equality objectives, at least every four years, and these will be set out within our Corporate Safety Plan/IRMP and our Planning and Evaluation culture.

Principles from case law and regulatory work on the former race, disability and gender equality duties help us to understand what must be done to show ‘due regard’ and to be compliant with the general duty. The key case law principles are commonly referred to as the Brown Principles and are often used in the courts to determine whether a public body has shown ‘due regard’ to the equality duty. The following principles, drawn from case law, explain what is essential in order for the Equality Duty to be fulfilled.

Brown Principle

Knowledge	The decision makers must be aware of their duty to have ‘due regard’ to the three aims of the duty.
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 Duty.
Timeliness	The 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. NB: A public body cannot satisfy the Duty by justifying a decision after it has been taken.
Real consideration (Decision making)	Consideration of the three aims of the 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.
Accountability (No delegation)	The Service is responsible for ensuring that any third parties who exercise functions on our behalf are capable of complying with the Equality Duty and that they do so in practice. It is a duty that cannot be delegated. This is applicable whether or not the third party is subject to the PSED

Monitoring and review

The Service must have regard to the aims of the PSED not only when a policy is developed and decided upon, but also when it is implemented and reviewed the PSED is a continuing duty.

How the Service is meeting the requirements of the Equality Duty

Publishing equality information and setting equality objectives, as required by the specific duties, enables service users, staff, the Equality and Human Rights Commission, regulators and other interested parties to assess the equality performance of the Service.

The Service is nationally recognised for performing at the highest levels in our approach to EDI through media Awards, EHRC recognition, government department connections alongside whole service and individual acknowledgment. The Service has strong foundations in this field of work which it maintains and continues to build by establishing, and reviewing, a staff developed inclusive culture consistent with a business as usual model.

To maintain this level the Service will continue to ensure equality, diversity and inclusion are our core principles not least in the development and implementation of the Safety Plan/IRMP 2020-24. Due regard will be paid at each stage of the Planning development in the form of live PIAs

Section 2: Safety Plan/IRMP and Equality Diversity and Inclusion Objectives

Our Equality Objectives to support the development of the Safety Plan/IRMP 2020-2024 are under development and will be demonstrating due regard to:

- ED&I being an essential part of our custom and practice in our education and engagement activity. Including our Safe and Well delivery, volunteering scheme and our Community Interest Company (CIC) development and delivery.
- ED&I principals being at the centre of recruitment, training, retention and development of all of staff
- ED&I will continue to remain an essential feature of our partnership working, co-production and collaboration.
- We are committed to understanding our demands as it is essential that we are equipped to develop our plans and manage our Service. Our ability to analyse accessible data with regards to people, their behaviours, their vulnerabilities and what places them at risk of demand is crucial to delivering the most effective and efficient service. ED&I consideration enables us to consider those risks and vulnerabilities in their entirety as a contributory and significant factor and consequence of social inequality.

This activity will address our equality objectives by strengthening the way we collate and analyse information on the different PCs, ensuring that consideration to demonstrate and understand communities, their safety and their risks; in the delivery of Our Cultural Message and Wellbeing agenda and guiding our volunteer, prevent, protect and response objectives.