



Summary of the Public Duties' Legislation

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The duties for public bodies originate from:

- Race Relations (Amendment) Act 2000
- Disability Discrimination Act 2005
- Equality Act 2006 (The gender duty)

Race Relations (Amendment) Act 2000

The Council has a statutory general duty to:

- eliminate unlawful discrimination
- promote equal opportunities
- promote good relations between people of different racial groups

The duties are complementary. Compliance therefore depends on meeting all three duties.

There are also specific duties to meet the general duties for public bodies. We must produce a **Race Equality Scheme** and review it every three years. Other specific duties include:

- assessing and consulting on the likely impact of proposed policies on the promotion of race equality
- monitoring its policies for any adverse impact on the promotion of race equality
- publishing the results of any assessments, consultations and monitoring
- ensuring public access to information and services provided and
- training staff in the Race Equality Duty

Specific duties in employment state that the Authority shall monitor by reference to racial groups the numbers of:

- staff in post
- applicants for employment, training, promotion and staff receiving training
- staff benefiting or suffering detriment as a result of performance assessment procedures
- staff who are subject to disciplinary procedures or
- staff who cease employment with that authority

The Council must annually publish the results of its monitoring.

Disability Discrimination Act 2005

The Council has a statutory duty to:

- promote equal opportunities between disabled persons and other persons
- eliminate discrimination that is unlawful under the Act
- eliminate harassment of disabled persons that is related to their disabilities
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life and
- take steps to take account of the disabilities of disabled persons, even where that involves treating disabled persons more favourably than other persons

There are also specific duties to meet the general duties for public bodies. We must produce and publish a **Disability Equality Scheme** and review it every three years. The specific duties include:

- a statement of how disabled people have been involved in developing the scheme
- the Authority's methods for impact assessments
- steps which the Authority will take towards fulfilling the general duty (the 'action plan')

- the authority's arrangements for gathering information in relation to employment (including recruitment, development and retention), and where appropriate, its delivery of education and its functions
- the authority's arrangements for putting the information gathered to use, in particular reviewing the effectiveness of its action plan and in preparing subsequent Disability Equality Scheme
- a public authority must, within three years of the Scheme being published, take the steps set out in the action plan (unless it is unreasonable or impracticable for it to do so) and put into effect the arrangements for gathering and making use of the information
- a public authority must publish a report containing a summary of the steps taken under the action plan, the results of its information gathering and the use to which it has put the information.

Equality Act 2006 (Gender Equality Duty)

The authority has a general duty to:

- eliminate unlawful discrimination and harassment
- promote equal opportunities between men and women

This includes compliance with the Sex Discrimination Act 1975 (as amended) and the Equal Pay Act, 1970 (as amended)

There are also specific duties to meet the general duties and publish a **Gender Equality Scheme** and review it every three years.

The specific duties also include:

- showing how the authority meets the general duty and develop gender equality objectives
- consider the gender pay gap between men and women and develop objectives to address any disparities
- collect and use information on the effects of gender equality both in the workforce and service delivery
- consult stakeholders (employees, service users, trades unions and others to decide on relevant gender equality objectives)
- assess the impact on current and proposed policies and practices on gender equality
- implement the objectives set out in the action plan
- report against the scheme every year and review the scheme every three years

Listed public authorities, who include ESCC, must take steps to meet both the general and specific duties.

Sexual Orientation legislation

The Employment Equality (Sexual Orientation) Regulations 2003 currently offers protection against discrimination on the grounds of sexual orientation in the workplace. However, with the addition of new powers introduced by the Equality Act 2006, it will become unlawful (subject to certain exemptions) to discriminate on the grounds of sexual orientation, or where an individual intends to undergo, is undergoing, or has undergone gender reassignment in the following areas:

- the provision of goods, facilities and services
- the disposal and management of premises
- education
- the exercise of public functions.

Religion or Belief legislation

The Employment Equality Regulations (Religion or Belief) 2003 currently offer protection against discrimination on the grounds of religion or belief in the workplace.

With the addition of the new powers granted by the Equality Act 2006, it will become unlawful (subject to certain exemptions) to discriminate on the grounds of religion or belief in the following areas:

- the provision of goods, facilities and services
- the disposal and management of premises
- education
- the exercise of public functions.

The Employment Equality Age Regulations 2003

Legislation on age was implemented in October 2006 and it covers employment and vocational training. It covers people of all ages. The regulations also:

- Remove upper age limits on unfair dismissal and redundancy.
- Introduce a national default retirement age of 65, making compulsory retirement below 65 unlawful unless objectively justified.
- Give all employees the right to request to work beyond 65 or any other retirement age set by the employer.

Human Rights

Human rights are the basic rights we all have simply because we are human, regardless of who we are, where we live or what we do. Human rights represent all the things that are important to us as human beings, such as being able to choose how to live our life and being treated with dignity and respect.

Human rights are based on a number of core values, including:

- Fairness
- Respect
- Equality
- Dignity
- Autonomy.

Why are human rights important in ESCC?

Every single person in the UK comes into contact with their Council at some point in their lives, sometimes when they are quite vulnerable. It is essential for ESCC that human rights are taken into account when delivering services to ensure quality provision with service user and staff experiences reflecting the core values of fairness, respect, equality, dignity and autonomy.

The UK Human Rights Act contains 15 basic rights:

- The right to life;
- The right not to be tortured or treated in an inhuman or degrading way;
- The right to be free from slavery or forced labour;
- The right to liberty and security;
- The right to a fair trial;
- The right to no punishment without law;
- The right to respect for private and family life, home and correspondence;
- The right to freedom of thought, conscience and religion;
- The right to freedom of expression;
- The right to freedom of assembly and association;
- The right to marry and found a family;
- The right not to be discriminated against in relation to the enjoyment of any of the rights contained in the European Convention;
- The right to peaceful enjoyment of possessions;
- The right to education;
- And the right to free elections.

The Equality Act 2010 (Public Sector Duties)

The Equality Act 2010 includes a new public sector Equality Duty which states that public bodies must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relations between different groups