



Equality Act 2010

Summary of Duties

Table of Contents

Contents

| | |
|--|----------|
| Table of Contents | 1 |
| Contents..... | 1 |
| The Equality Act 2010 | 2 |
| Introduction and Protected Characteristics | 2 |
| Public Sector Equality Duty (PSED, or General Duty) | 2 |
| The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 and Amendment Regulations 2016..... | 3 |
| Duty to Report Progress on Mainstreaming the Equality Duty..... | 3 |
| Duty to Publish Equality Outcomes and Report Progress..... | 3 |
| Duty to Assess and Review Policies and Practices..... | 4 |
| Duty to Gather and use Employment Information..... | 4 |
| Duty to Publish Gender Pay Gap Information | 5 |
| Duty to Publish Statements on Equal Pay, etc. | 5 |
| Duty to Consider Award Criteria and Conditions in Public Procurement | 7 |
| Duty to Publish in a Manner that is Accessible, etc. | 7 |

The Equality Act 2010

The full Equality Act 2010 can be accessed through this link: [Equality Act 2010](#).

Of note, under the Equality Act, the College is defined as an authority.

Introduction and Protected Characteristics

The purpose of the Equality Act is to streamline, strengthen and harmonise 40 years of equalities legislation. The Act establishes 9 protected characteristics.

These are:

- Age.
- Disability.
- Gender reassignment.
- Marriage & Civil Partnership. *
- Pregnancy & Maternity.
- Race.
- Religion or Belief.
- Sex.
- Sexual orientation.

Public Sector Equality Duty (PSED, or General Duty)

A public authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act; *
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

* All protected characteristics (except for marriage & civil partnership) are subject to the full duty. The duty also covers marriage & civil partnerships, regarding section a) in employment.

The general duty, or PSED, can be accessed through this link: [Public Sector Equality Duty](#). Refer to Figure 1 for further information: [Figure 1](#).

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 and Amendment Regulations 2016

The regulations, and amendments, can be accessed through these links: [Specific Duties \(Scotland\) Regulations 2012](#) and [Specific Duties \(Scotland\) Amendment Regulations 2016](#).

Duty to Report Progress on Mainstreaming the Equality Duty

- Publish a mainstreaming report on the progress made to make the general equality duty integral to the exercise of its functions so as to better perform the duty:
 - No later than 30th April 2013; and
 - Subsequently at intervals of no more than 2 years, beginning with the date on which it last published a report.

Duty to Publish Equality Outcomes and Report Progress

- Prepare and publish a set of equality outcomes, which is considered to enable better performance of the general equality duty:
 - No later than 30th April 2013; and
 - Subsequently, at intervals of no more than 4 years, beginning with the date on which it last published a set of equality outcomes.
- In preparing a series of outcomes:
 - Take reasonable steps to involve persons who share a relevant protected characteristics/those who represent the interests of those persons; and
 - Consider relevant evidence relating to persons who share a relevant protected characteristic.

- Publish reasons if equality outcomes do not cover every relevant protected characteristic in relation to further the general equality duty.
- Publish a report on the progress made to achieve the published equality outcomes:
 - No later than 30th April 2015; and
 - Subsequently, at intervals of no more than 2 years, beginning with the date on which it last published a report.

Duty to Assess and Review Policies and Practices

- Assess the impact of applying a proposed new or revised policy or practice against the needs of the general equality duty.
- In making the assessment, consider relevant evidence relating to persons who share a relevant protected characteristic (including any received from those persons).
- In developing a policy or practice, take account of these results.
- Publish, within a reasonable period, the results of any assessment made.
- Make arrangements to review and revise any policy or practice to ensure that it complies with the general equality duty.
- Any consideration as to whether or not it is necessary to assess the impact of applying a proposed new or revised policy or practice is not to be treated as an assessment of its impact.

Duty to Gather and use Employment Information

- Take steps to gather information on the number and relevant protected characteristics, in each year, of the:
 - Composition of the authority's employees; and
 - Recruitment, development, and retention of employees.
- Use this information to better perform the general equality duty.
- Report progress within the mainstreaming report, including:
 - Annual breakdown of information gathered, which has not been previously published elsewhere; and

- Details of the progress made in gathering and using that information to enable it to better perform the general equality duty.
- Use any information provided by the Scottish Government, in relation to protected characteristics of the authority's board members, to better perform the equality duty.
- Include information on the number of men and women who have been board members of the authority during the period covered by the report and how the:
 - Information has been used to better perform the equality duty.
 - Authority proposes to use the information, in taking steps towards there being diversity amongst board members in relation to relevant protected characteristics.

Duty to Publish Gender Pay Gap Information

- Publish information on the percentage difference among staff between men's average hourly pay (excluding overtime) and women's average hourly pay (excluding overtime).
- Publish this information no later than 30th April 2013 and every second year thereafter.

Duty to Publish Statements on Equal Pay, etc.

- Publish a statement containing the required information no later than 30th April 2013 and every fourth year thereafter.
- The statement must specify the policy on equal pay among its employees between:
 - Women and men.
 - Persons who are disabled and persons who are not; and
 - Persons who fall into a minority racial group and persons who do not.
- The statement must specify occupational segregation among its employees in relation to the concentration of:
 - Women and men.
 - Persons who are disabled and persons who are not; and

- Persons who fall into a minority racial group and persons who do not.
- The first statement (therefore no later than 30st April 2013) must contain information on women and men.
- The second statement (therefore no later than 30st April 2017) and subsequent statements must contain information on gender, disability, and race.

Duty to Consider Award Criteria and Conditions in Public Procurement

- When relevant and proportionate to the subject matter of an agreement for goods, works, or services, institutions should have due regard to whether the award criteria of the agreement and the contract conditions relating to the performance of the agreement should include considerations relevant to its performance of the general equality duty.

Duty to Publish in a Manner that is Accessible, etc.

- When producing the mainstreaming report, outcomes and subsequent progress, gender pay gap information and equal pay statements, the authority must:
- Publish in a manner that makes the information published accessible to the public; and
- So far as practical, employ an existing means of public performance reporting.

Figure 1: The Public Sector Equality Duty of the Equality Act 2010

| <p>Components</p> <p>A public authority must, in the exercise of its functions, have due regard to the need to:</p> | <p>Due Regard</p> <p>Having due regard specifically involves the need to:</p> |
|--|--|
| <p>a) Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by the Act, i.e., ensure fairness.</p> | |
| <p>b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, i.e., advance opportunity.</p> | <p>a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.</p> <p>b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.</p> <p>c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.</p> |
| <p>c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it, i.e., foster respect.</p> | <p>a) Tackle prejudice.</p> <p>b) Promote understanding.</p> |

Due regard comprises two linked elements: proportionality and relevance.

The weight that public authorities give to equality should be proportionate to how relevant a particular function is to equality.

In short, the greater the relevance of a function to equality, the greater the regard that should be paid.

