



## NEWS REPORT

<b>Date:</b>	10 November 2010
<b>Expert:</b>	Aileen McColgan
<b>Title:</b>	Downgrading Public Equality Duties in the UK?
<b>Country:</b>	United Kingdom
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Positive obligations on public bodies to promote equality
<b>Ground of discrimination:</b>	sexual orientation, race, disability, sexual orientation, religion/ belief, age
<b>Source:</b>	The Equality and Human Rights Commission
<b>Field:</b>	Public sector

### Content

**Political development:** The Equalities Act 2010 introduces a new general public duty to replace the existing positive duties imposed on public authorities to pay “due regard” to the need to eliminate unlawful discrimination and harassment and (broadly) promote substantive equality. The new positive duty is expected to be implemented in April 2011. The new coalition Government has, however, decided not to implement the provisions in the Act to impose specific equality-related obligations on public authorities in relation to the exercise of their public procurement functions. Public authorities will be required to set specific, relevant and measurable equality outcome objectives in order to comply with the general duty. The current “specific duties” which impose a variety of obligations regarding information gathering, consultation and impact assessment of policies are to be replaced, however, with specific duties which are likely to be significantly diluted. The consultation period around these new specific duties closed on 10 November 2010. The Government’s thinking was set out in the consultation document which stated, *inter alia*, that:

- Engaging with people from the protected groups is something most public bodies should do from time to time in order to carry out the general duty. We therefore do not think a specific duty to carry out prescribed types of engagement work is needed – public bodies should have the flexibility to decide for themselves when and how to engage with citizens. But, in line with our drive for greater transparency, we do propose that public bodies should be



open about how they have engaged with people as part of their work towards fulfilling the aims of the Equality Duty. Similarly, part of normal decision-making for public bodies involves assessing (insofar as is relevant and proportionate) the impact they are having on equality. We do not think a specific duty, outlining a particular process or prescribed set of forms to assess impact, is necessary or useful.

But we do believe that transparency about the results of such assessments, and the data that underpins them, is important [emphasis added].

**Internet link source and additional information:** (no newspaper links)  
[http://www.equalities.gov.uk/pdf/402461\\_GEO\\_EqualityAct2010ThePublicSectorEqualityDuty\\_acc.pdf](http://www.equalities.gov.uk/pdf/402461_GEO_EqualityAct2010ThePublicSectorEqualityDuty_acc.pdf)