

**Corporate Governance Committee**  
**Thursday, 19 January 2012**  
**Joint Report of the Chief Constable and**  
**the Chief Executive and Treasurer to the Police Authority**

**6A THE EQUALITY ACT 2010 (SPECIFIC DUTIES) REGULATIONS 2011**

1. Purpose of Report

- 1.1 To provide Members with information on a recently enacted “Specific Duty” under the Equality Act 2010 and to advise Members of the Force’s and the Police Authority’s proposed approach to comply with the duty.

2. Information and Analysis

- 2.1 Members will recall that the public sector equality duty (“the General Duty”) contained within the Equality Act 2010 came into force in April 2011. This applies to public sector organisations including Police Forces and Authorities. Members will recall that a paper was presented at the June 2011 meeting of the Corporate Governance Committee advising of this duty.
- 2.2 In September 2011, the “Equality Act 2010 (Specific Duty) Regulations 2011” were approved by Parliament. Specific Duties are a mechanism by which the Government details specific activity that public authorities must carry out in support of the General Duty – for example under the previous equality legislation there were Specific Duties for public authorities to publish an Equality Scheme. The previous Specific Duties lapsed in April 2011 when the new General Duty came into force, the newly published Regulations outline the two Specific Duties that public authorities will be subject to in the future. The duties are to:
- Publish information to demonstrate compliance with the General Duty by 31 January 2012
  - Publish one or more equality objectives before 6 April 2012.
- 2.3 **The Duty to Publish Information** – the information a public authority publishes “must include, in particular, information relating to persons who share a relevant protected characteristic who are (a) its employees (b) other persons affected by its policies and practices.” The Equality and Human Rights Commission (EHRC) will publish a statutory Code of Practice for the Regulations in the spring of 2012, after the duty has come into effect. It has been possible to interpret

what the Duty might look like in practice based on the indications provided by the Government in its consultation and guidance documents.

- 2.4 The duty to publish information is part of a wider Government agenda on transparency. Whereas the old specific duty required the Force and the Authority to publish a Scheme containing prescribed information, the new expectation is that public authorities will publish as much relevant information as practical. There is no requirement for the preparation of reports or covering notes, the underlying philosophy is that by making more information readily available our communities will have the opportunity to scrutinise it and challenge our performance as they see fit.
- 2.5 The National Police Improvement Agency (NPIA) has not provided guidance on what suitable equality information might look like, however through Force Equality Practitioners Network a collective understanding of what compliance with the duty might look like has emerged.
- 2.6 **Proposed compliance action by the Force - All** information will be published on a designated page of the Force website. It has been agreed by the Force Strategic Equality Assurance Board (SEAB) that prior to publication of the statutory Code of Practice for the Regulations no new data will be gathered in response to the new duty, rather that an assessment is made of material currently held by the Force that has relevance to our compliance. The information is of two broad types:
- (i) Performance Data: Sussex Police, a lead force on equality, created a template for the publication of performance data which appeared fit for purpose. The template was considered at the SEAB on 30 August 2010 and it was agreed that the template was to be populated with Derbyshire data and presented in a format which facilitated formal annual reporting and quarterly trend analysis for the Board.
  - (ii) Equality Impact Assessments: In addition to the demographic information the Force will also publish all Equality Impact Assessment (EIA)s of un-restricted Policies, Procedures and Guidelines. An EIA is a tool which enables us to check our policies to ensure that the way we do our business is as it is intended and that is done in a way that is fair for everyone. It makes us think about the impact of our proposed or existing policies on all communities and on our workforce, making sure that, as far as possible, any negative impacts are minimised and that opportunities for promoting equality are maximised.
- 2.7 This process will support the overall approach and be particularly beneficial with regard to demonstrating due regard to the General Duty for protected characteristics for which the Force does not currently

collect detailed demographic information in an easily identifiable format.

- 2.8 **Duty to publish one or more equality objectives** – by 6 April 2012 and at least every four years after that. The purpose of setting objectives is to strengthen our performance of the General Duty. The objectives must be “specific and measurable” and address the most pressing issues facing the protected groups that the Force provides services for and employs.
- 2.9 The 31 January 2012 deadline for publication of information is intended to ensure that the public, and voluntary and community sector organisations have the opportunity to review the data before public authorities set their objectives in April. The timescale is supposed to give at least two clear months for people to review the data that has been published, and engage with and influence public authorities, from an informed perspective, on what the equality objectives should be.
- 2.10 Work has taken place within the Force’s Equality Unit to evaluate existing data and engagement activity to identify the issues which need to be addressed as the basis for the development of equality objectives. This included consideration of the Force Priorities and Force Commitment. A number of draft objectives have been developed in response to the issues identified, and it is proposed these should form the focus for the Force’s work over the next four years. It is proposed to carry out consultation over a period of 8 weeks on the proposed objectives, and an Equality Communication and Engagement Strategy has been developed to enable this to be carried out in a measured way.
- 2.11 Derbyshire Constabulary and Derbyshire Police Authority have developed a new Equality Strategy which outlines their commitment to fairness and equality surpassing their legal obligations and provides details on how both public authorities will demonstrate compliance with the Section 149 of the Equality Act 2010. The draft Equality Strategy is a work in progress and the final version is due to be confirmed at the next meeting of the Strategic Equality Assurance Board on 7<sup>th</sup> March 2012.
- 2.12 **Proposed action by Derbyshire Police Authority** – The Police Authority has a duty to oversee Force compliance with the Equality general and specific duties as part of its scrutiny role. In addition, the Police Authority is also subject to the duties itself, as a public authority. The Authority has endeavoured to integrate equality duty compliance and principles into its routine business and the Derbyshire Police Authority Integration Schematic, attached as **Annex A**, demonstrates how this is achieved. The schematic shows how the Authority endeavours to apply the equality duty in its main activities including how it scrutinises the Force’s compliance with the duties. The Authority has participated in the development of the joint Equality Strategy with

the Force. In terms of the specific duties to publish information and develop objectives, performance information (which relates to service users and staff including police staff who are all Police Authority employees) will be published by the Force as detailed in paragraph 2.6 above. The Authority is in the process of carrying out EIAs on its policies and procedures which will be published on the Police Authority website. The Authority is also in the process of developing draft objectives which will be reported back to this Committee at its March 2012 meeting.

2.13 In the absence of a statutory Code of Practice the Force and Authority are seeking to respond positively to the new Specific Duties. Whilst the proposals outlined in this paper will need to be reviewed once the Code of Practice is available, it is believed that the approach outlined both complies with the legislation and embraces the wider transparency agenda.

3. Crime and Disorder Implications

3.1 None identified.

4. Equal Opportunities/Diversity Considerations

4.1 The report is wholly concerned with the Derbyshire Constabulary and Derbyshire Police Authority proposed responses to the Equality Act 2010 (Specific Duty) Regulations 2011.

5. Legal/Personnel & Environmental Considerations

5.1 Chief Constables of Home Office maintained forces are named authorities under the recently enacted regulations as are Police Authorities; a failure to comply with the regulations leaves open the possibility of enforcement action against the Force and/or the Authority by the Equality and Human Rights Commission.

6. Human Rights Considerations

6.1 See 4.1 above.

7. Health & Safety Considerations

7.1 None identified.

8. Financial Considerations

8.1 The approach outlined in this paper has limited resource implications such as hosting engagement events and staff time of the Equality Unit and Engagement Team.

OFFICER RECOMMENDATION

That Members consider the report and identify any actions required.

**Attachments:**

**Annex A –Derbyshire Police Authority Equality Integration Schematic**

Background papers

The Equality Act 2010 (Specific Duty) Regulations 2011

Previous paper to Corporate Governance Committee on 30 June 2011 entitled  
“Equality Act 2010 Public Sector Equality Duty”