

Equality Act public sector equality duty

1. The Public Sector Equality Duty (PSED) came into effect on 5 April 2011.
2. The PSED consists of a general equality duty and specific duties. **Note:** The general duty came into force on 5 April 2011. The specific duties came into force on 10 September 2011.
3. The PSED covers how a public authority acts as an employer, how it develops policies, how it designs and delivers services and how it procures services.
4. To comply with the PSED, DWP **still** needs to consider the effect our policies and practices have on equality. We **still** need to base decisions on evidence and we may need to engage with relevant parties on occasions.

The general duty

5. The general duty requires DWP, when carrying out its functions, to have due regard to the need to:
 - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - foster good relations between people who share a protected characteristic and those who do not.
6. The above applies to eight of the nine protected characteristics including age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Marriage and civil partnerships is slightly different and are only covered by the first bullet. Your Equality Analysis will need to consider and record the potential impact (both positive and negative) of the proposed policy in relation to each of the three requirements, for each protected characteristic that is in play. In particular, paying due regard to the need to advance equality of opportunity is very different from paying due regard to the need to eliminate discrimination in the sense that it is a positive duty, and the Equality Analysis will therefore need to consider this separately.
7. In order to show how DWP is meeting its legal obligations under the general Equality Duty, Equality Analysis (previously known as equality impact assessments) must continue to be done to record how equality is considered as part of our decision making processes.

8. The Government Equalities Office (GEO) has published a Quick Start Guide for Public Sector Organisations (PDF) to help public sector organisations understand the measures contained in the general duty.

The specific duties

9. The specific duties are designed to help public bodies to meet the general duty. They do this by requiring public bodies to be transparent about how they are responding to the general Equality Duty. The specific duties came into force on 10 September 2011.

Publication of information

10. As a result of the specific duties the Department must publish information to demonstrate its compliance with the general Equality Duty. This had to be done by 31 January 2012 and then at least on a yearly basis. This information should include details about staff and customers but be relevant and proportionate.
11. The latest report – Department for Work and Pensions equality information for 2013 – was published on 12 July 2013. It is also available on the GOV.UK website as a PDF or RTF file and the data to which the report refers is also published separately to increase accessibility. This is our third report under this duty. We published the first report on-line on 31 January 2012, and then again in July 2012 to ensure integration of this work into our annual business reporting cycle. Previous reports are available on the Diversity and Equality section of the GOV.UK website.

Equality objectives

12. The Department must publish equality objectives it thinks will help it to achieve the aims of the general Equality Duty. These equality objectives must be published no later than 6 April 2012 and at least every four years following this. These objectives must be specific and measurable.