



Ryedale District Council

REPORT TO: Policy and Resources Committee

DATE: 2 August 2007

REPORTING OFFICER: Corporate Policy Manager
Clare Slater

SUBJECT: **A FRAMEWORK FOR FAIRNESS: PROPOSALS FOR A SINGLE EQUALITY BILL FOR GREAT BRITAIN - A CONSULTATION PAPER**

WARDS AFFECTED: All Wards

1.0 PURPOSE OF REPORT

1.1 To seek Members' response to the Government's proposals for a Single Equality Bill for Great Britain.

2.0 RECOMMENDATIONS

2.1 It is recommended that:

- a. That members support the principle of simplifying the current legislative framework for preventing discrimination.
- b. That the Policy Manager be authorised to respond to the consultation on behalf of the Council.

3.0 REASONS SUPPORTING DECISION

3.1 The Council currently operates an integrated Equalities Policy and Scheme and the proposed move to a single equality bill would further augment the Council's policy.

4.0 BACKGROUND

4.1 The Government is working to put an end to all forms of discrimination, whether based on age, disability, gender, race, religion or belief, or sexual orientation. In order to simplify and modernise discrimination law and to make it more effective, the Government committed to introduce a Single Equality Bill during this Parliament. To ensure the delivery of this commitment, in February 2005 the Government launched the Discrimination Law Review (DLR) to undertake a fundamental review of discrimination and legislation in Great Britain, and bring forward proposals for a clearer and more streamlined equality legislation framework, which produces better outcomes for those who experience disadvantage.

4.2 The DLR was set up alongside an independent Equalities Review to look at the underlying societal and cultural causes of disadvantage and inequality.

- 4.3 The Equalities Review published an interim report for consultation on 20 March 2006 and its final report, Fairness and Freedom, on 28 February 2007. Further information about the Equalities Review can be found at: www.theequalitiesreview.org.uk

5.0 POLICY CONTEXT

- 5.1 Currently local government operates within a legislative framework which includes specific and separate equality duties for race, disability and gender. The Council fulfils its statutory obligations through the implementation of its combined equalities scheme.

6.0 INTRODUCTION

- 6.1 The consultation paper sets out the Government's proposals for a Single Equality Bill for Great Britain. The proposals are planned to support the role of the Commission for Equalities and Human Rights which is to replace the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission from October 2007, as the principal agency charged with leading the fight against inequality and discrimination.

7.0 REPORT

- 7.1 The main consultation document addresses various proposals and options for changing discrimination law in order to create a clearer, more streamlined equality legislative framework, which produces better outcomes for those who currently experience disadvantage.

- 7.2 The consultation document a 'Framework for Fairness' is in 3 parts, with 3 annexes:

- Part 1, on harmonising and simplifying the law;
- Part 2, on making the law more effective;
- Part 3, on modernising the law;
- Annex A, containing detailed tables on which specific exceptions to discrimination law we want to keep and which we want to remove;
- Annex B, containing our proposals for implementing the EU Gender Directive; and
- Annex C, a glossary of terms and abbreviations.

7.3 Part 1 – Harmonising and simplifying the law

Part 1 of the paper asks for views on proposals to promote a culture of compliance with the law; to simplify and standardise definitions and tests in discrimination law; to simplify and harmonise exceptions; to simplify and harmonise the way the law treats public functions and public services; and to bring the law of equal pay into the Single Equality Bill and update it in line with case law.

7.4 Part 2 – More effective law

Part 2 asks for views on proposals to allow a wider range of balancing measures to effectively address entrenched discrimination and disadvantage; to simplify the public sector equality duties by replacing them with a single duty to tackle disadvantage more effectively; to consider extending the coverage of public sector equality duties; to explore how public authorities can actively take account of equality issues in procurement; ways to improve equality practice in the private sector; and to improve the resolution of discrimination disputes outside the workplace

7.5 **Part 3 – Modernising the law**

Part 3 asks for views on whether changes should be made to the statutory protected grounds; the case for prohibiting age discrimination in areas outside employment; whether to strengthen the protection on grounds of gender reassignment outside employment; whether to strengthen the protection on grounds of pregnancy and maternity outside employment; whether to strengthen prohibitions on discrimination by private clubs; how to improve access to, and use of, let residential premises for disabled people; and whether express statutory protection from harassment should be extended outside the employment area for the different grounds of discrimination.

7.5 The full documentation can be accessed on the Communities and Local Government website at the following address www.communities.gov.uk under the section Consultations.

7.6 A copy of the full consultation document and a summary can be found in the members room.

7.7 For the purposes of this committee the report focuses only on those questions which relate directly to the public sector. Members are asked for their comments in response to these questions.

7.8 A response will then be prepared by officers which will cover all sections of the green paper. Responses are to be submitted by 4 September 2007.

7.9 **Chapter 5: Public Sector Equality Duties**

The government is seeking views on the following issues and proposals:

- i. that they should replace the race, disability and gender equality duties with a single duty on public authorities to promote race, disability and gender equality;
- ii. if it would be helpful to provide a clear statement of the purpose of a single public sector duty which public authorities should use as a foundation for taking action to promote equality and good relations;
- iii. whether to require public authorities to identify priority race, disability and gender equality objectives and take proportionate action towards their achievement, and to review them at least every 3 years;
- iv. if it would be helpful for strategic equality outcomes to be set by the appropriate national Government;
- v. how to support effective performance of a single public sector equality duty by requiring proportionate action towards the achievement of priority equality objectives, using four key principles of consultation and involvement; use of evidence; transparency; and capability;
- vi. whether the proposed single public sector equality duty should apply to all public authorities or, if not, how it should be targeted;
- vii. whether a single public sector equality duty should be extended to cover age, sexual orientation, and/or religion or belief;
- viii. over what timescale a single public sector equality duty and any extensions to it should be introduced, and whether public authorities should be given the option to implement any new approach in advance of its becoming a legal requirement;

- ix. whether there should be a single enforcement mechanism for the proposed single public sector equality duty;
- x. what the role of the public service inspectorates should be in assessing compliance with public sector equality duties; and
- xi. what issues should be included in practical guidance for public authorities on procurement and public sector equality duties.

7.10 Officers will prepare a response to the consultation which represents the needs and requirements of the Council's existing policies for equalities and diversity. In principle it is suggested that the proposed move to a single bill is to be welcomed. If Members have any specific views in regard to the questions detailed in 7.9 above these will be included in the response.

8.0 FINANCIAL IMPLICATIONS

8.1 There are no additional implications identified at the present time.

9.0 RISK ASSESSMENT

9.1 The Council mitigates any risk to its reputation by responding to consultations on matters of government policy.

10.0 CONCLUSION

10.1 The approach being advocated by the government in this green paper is in line with the approach that the Council has taken to developing its equalities policies and practices.

OFFICER CONTACT: Please contact Clare Slater, Corporate Policy Manager if you require any further information on the contents of this report. The officer can be contacted at Ryedale House, Malton, Tel: (01653) 600666, Ext: 347 or via e-mail: clare.slater@ryedale.gov.uk

Background Papers:

The following papers are available in the members room:

A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain – A Consultation Paper

A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain – A Summary (The summary document sets out the main issues covered in the consultation document, 'A Framework for Fairness'. Published 12 June 2007.)

The following documents (and those listed above) are available from the following web address: www.communities.gov.uk (Consultations Section):

- A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain - A Consultation Paper (Easyread version)
- A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain - Equality Impact Assessment
- A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain - Regulatory Impact Assessment

Ryedale District Council Equalities Scheme – Amended March 2007 can be accessed on www.ryedale.gov.uk

POLICY & RESOURCES COMMITTEE

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