

Equality objectives and public authorities:

Tips, hints, and bright ideas

brap

making equality work for **everyone**

October 2011



About brap

brap is a think fair tank, inspiring and leading change to make public, private and voluntary sector organisations fit for the needs of a more diverse society.

brap offers tailored, progressive and common sense approaches to equalities training, consultancy and community engagement issues.

About this series

This is the fifth in brap's series of toolkits and briefings on the Equality Act 2010. Other publications in this series include:

- The Equality Bill: an overview
- The Equality Act: what PCTs need to know
- The Equality Act: what local authorities need to know
- The Equality Act: what education providers need to know

If you would like to access any of these titles, please email us at brap@brap.org.uk (but please note that due to the changing nature of the legislation, not all the information will be up to date).

If you're interested in thinking about how you respond to further changes in equalities law, you might want to read our step-by-step guide to embedding human rights in service delivery. To obtain a copy of *Why bother with human rights* email us at brap@brap.org.uk.

About this guide

This guide is aimed at public sector organisations looking for some advice on how to produce equality objectives, as required by the Equality Act 2010 (Specific Duties) Regulations 2011.¹

There are already resources for organisations looking for advice on this issue (see 'Additional information'). In due course, the Equality and Human Rights Commission will produce a statutory code of practice, which will explain the process in depth.

This short briefing isn't intended to repeat guidance that already exists. Instead, we'll recount some tips and strategies that we've picked up over 10 years of helping organisations develop equality schemes and policies.

As ever, this guide is designed to help you go beyond the law to make equality a reality for your staff, customers, and the communities you serve.

¹ Available here: www.legislation.gov.uk/ukxi/2011/2260/contents/made

Introduction

On 10 September the Equality Act 2010 (Specific Duties) Regulations 2011 came into force. This update focuses on one part of those duties – the requirement to produce one or more equality objectives for your public authority.

There will be statutory guidance in the future to inform how public authorities approach this. However, it is worth considering the approach you want to take in advance of that. The earlier you start to consider equality objectives, the more opportunity you will have to refine them based on evidence and make them work for your authority.

This short guidance document offers some advice on that.

What are public authorities required to do?

Listed public authorities need to publish one or more objectives that they think they should achieve in order to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Objectives(s) need to be specific and measurable.

Timeframe

Objective(s) need to be published no later than 6 April 2012 and then at intervals of not greater than four years.

There is a relatively long period to develop equality objectives. This flexibility is partly to help public authorities take the time to analyse relevant evidence, but it is also to help them link the development process to normal business planning cycles.

The Government expects public authorities to engage with other stakeholders (e.g. members of the public, community organisations or other public agencies they work with) to help them decide what the equality objective(s) should look like. There is a gap of at least two months between the deadline for publishing information to demonstrate compliance with the duty (31 January 2012 for most public authorities apart from schools) and the April deadline to publish equality objective(s). In this time, the Government anticipates there will be an opportunity for stakeholders to review relevant equality data and to help influence public authorities and discuss equality objectives.

A process for developing objectives

Under previous versions of equality law, public organisations had a duty to develop Gender Equality Objectives.

brap worked with a number of organisations to help them devise their objectives. We've outlined below some common problems organisations faced, along with some bright ideas that will hopefully help you side-step these issues and implement the very best practice.

Here's the outline structure:

Step 1: Know what you're talking about

Step 2: Identifying the objective

Step 3: Action!

Step 4: Keeping people in the know

The following sections explain these steps in a bit more depth.

Step 1

Know what you're talking about

What you need to know

To devise meaningful objectives, your decision has to be evidence based. Since most public authorities have to publish information by demonstrating compliance with the general duty by 31 January 2012, you may already have undertaken much of this work. For the purposes of developing relevant equality objectives, data gathering activities might include:

- reviewing available data on patterns of inequality experienced by service users/local communities and staff
- consulting with a range of excluded groups about issues of inequality they face

Key lessons

- your equality objective(s) can cover both staff and service users. You will know best what kinds of topics are relevant to your organisation, but this might be a good time to analyse information relating to:

Staff	Service users
<ul style="list-style-type: none"> • pay • career progression and promotion • access to training opportunities • incidents of bullying and harassment 	<ul style="list-style-type: none"> • accessibility of services • attainment of relevant outcomes • satisfaction rates

- it's a good idea to collate information on all the relevant protected characteristics (remember, the Public Sector Equality Duty covers eight protected characteristics: age; disability; gender; gender reassignment; pregnancy and maternity; race; religion or belief; and sexual orientation).

Sometimes, when organisations begin gathering information about staff and customers people can be wary of revealing sensitive information. Be prepared to explain:

- why equalities monitoring is important (in terms of the gaps and disparities it can reveal)
- what mechanisms you have in place to protect people's privacy
- how past information has made a difference (how it's plugged a gap, say, or improved services)
- you may find that to engage with some of the newer protected characteristics, you have to make contact with new community groups in your locality. Your local centre for the community and voluntary sector (CVS) or other support provider might be a good place to start. Remember, though, the 'who, what, why' of engagement:
 - who is represented/who is not represented?
 - how are they represented?
 - why is it important you engage with this group?

- what is it that you are asking them to comment on?
 - how will you use the information you acquire?
 - have you triangulated the information to check accuracy?
-
- you may find your organisation already holds a lot of the data that is relevant to making a decision. Often, information held by public agencies goes unused because people don't recognise how widely it can be applied or, quite often, people don't even know it exists! Use consultation to cover a range of issues – don't overuse people.²

² We discuss these points in our toolkit on engagement, *Engaging People*. To download a copy go to: www.brap.org.uk/content/view/383/527/

Step 2

Identifying the objective

What you need to know

The next step is to devise your objective(s). This will involve reviewing all the information you've gathered to consider which objectives would be most likely to address the most pressing issues of inequality. It's important to consider which objectives would be most realistic and efficient given restrictions of time and resources and given other priorities of your organisation.

Key lessons

- first things first: what actually *is* an objective? We know it might sound basic, but based on experience there are common mistakes organisations make when it comes to devising an objective. The following are examples of these mistakes (with a cross next to each).

An objective is...

...about change – **not** a continuation of what you're already doing

- ✗ we will maintain our good record on staff satisfaction for a range of groups
- ✓ we will improve staff satisfaction ratings for BME staff by 10% as it is consistently below average.

...specific – **not** a vague aim or aspiration

- ✗ we are committed to ensuring more transgender people can influence our services
- ✓ in the next three years, we will improve ratings of our services by transgender customers by 20%

...expressed in terms of people and outcomes – **not** just processes and policies

- ✗ we will carry out equality impact assessments on key decisions
- ✗ we will create a Human Rights, Equality, and Diversity Policy
- ✓ we will at least double the number of young people who say they are treated with dignity and respect by clinical staff

This last point is especially important as many organisations find that even after implementing schemes and policies, they are still unsure of the impact they've had on people's life chances. Under the old-style specific duties (which placed obligations on organisations to conduct assessments, undergo training, etc) it was sometimes too easy to focus on *processes* connected with equality. The introduction of objectives is intended to free you up to focus on *outcomes*: real, practical change that you can express in terms of people and the opportunities they have.

- the draft regulations do not specify how many objectives you should have. Sometimes organisations set themselves too many objectives. Given the resource limitations many

organisations are facing, it is important to avoid this mistake. Between one and three objectives appears manageable.

- in choosing your objective(s) you will have to bear in mind certain issues:

<p>the public sector equality duties</p>	<p>under the draft regulations, your objective(s) must help your organisation achieve progress toward meeting the general duty</p>
<p>your existing business goals</p>	<p>the best equality objectives are those that are explicitly linked to organisations’ existing business objectives. To show how equality is a mainstream, cross-cutting issue you may want to explicitly link your objective with existing agendas and programmes (eg the Equality Delivery System, current Ofsted requirements, or the Equality Framework for local government)</p>
<p>the national and local context</p>	<p>as part of step 1 you will have collected a lot of information on local inequalities. This information will be vital for weighing up the importance of various issues. However, it is equally important to consider the national context for getting a sense of how significant something is. The Equality and Diversity Forum’s Information Bank is a good place to go for research (www.edf.org.uk)</p>
<p>impact</p>	<p>in choosing your objective(s) you’ll have to prioritise issues based on the impact they have. Some objectives will have a minor impact on a large number of people: others might have a much larger impact on a smaller number of people. In cases like this, the considerations you’ve made of the above issues will prove extremely helpful (see also the point about ‘proportionality’, below)</p>

Some organisations reinforce this link by having a column in their scheme which cross-references the actions with a) their legal duties, and b) their existing strategic goals.

- once you have decided on an initial list of objectives, communicate this to relevant members of the public and provide an opportunity for feedback. Mediating and facilitating discussions and supporting communities to understand why particular objectives have been chosen is crucial here. For tips on how to handle competing equality claims, see our guide *Who Moved my Samosa?*³ Even at this late stage, be prepared to review and revise your objectives.
- your objectives will need to be ‘proportionate’ and ‘reasonable’. When reviewing existing evidence and deciding on objectives, it is important to consider whether your decision is proportionate. In other words – can you make a strong argument for why you have chosen a particular objective and can you show that you’ve considered all less-discriminatory

³ Available at: www.brap.org.uk/content/view/396/563/

alternatives to any decision you make. It will rarely be possible to respond to all issues of inequality – and all issues raised by local groups. It is important to demonstrate why particular objectives are being chosen and why they are most likely to have the largest impact on those most in need of support. Also you will need to show the decision is 'reasonable' (including consideration of the relative cost and anticipated impact of interventions to address inequality).

- remember that there are other organisations out there that could help you improve/refine your equality objectives. It will be important to share relevant information with key stakeholders and ensure they have an opportunity to discuss potential equality objectives with you. In the long-run, generating objectives that a range of people are signed up to will help your organisation to achieve them.

Step 3 Action!

What you need to know

Having identified the objectives you intend to pursue, the next step is to create a robust action plan.

Key lessons

- in our experience, the best actions are SMART. This means:
 - **S**pecific → the proposed action is clear and unambiguous
 - **M**easurable → there are indicators that can be used to measure attainment
 - **A**chievable → the action takes into account time and resource constraints
 - **R**elevant → it is explicitly explained how the action will meet the objective
 - **T**imed → the action has clear deadlines and timeframes
- a common mistake in this area is not allocating actions to specific roles. Avoid the temptation to say something is everyone's responsibility. If everyone has to do something, who's responsible for ensuring that they do?
- you may face a number of barriers when trying to embed good equalities practice within your organisation. Here are some of the most common obstacles:

lack of management buy-in	if we're honest, despite best intentions, leaders and managers haven't always upheld the principles of equality and fairness in their day-to-day actions. This sends out the wrong message to staff about the importance of equality. The best equality objectives will be decided in part by an organisation's executive team and board members. Their endorsement is crucial to people taking the objectives seriously.
staff motivation	often in the past, monitoring and accountability mechanisms have been overly bureaucratic. This has stifled staff's motivation to act positively: faced with the possibility of doing the wrong thing, they often opt to do nothing at all. Internal accountability mechanisms should help create a permissive, 'can-do' culture.
understanding what equality is	being fair doesn't always mean treating everyone in the same way: different needs require different responses. For example, a blind or deaf person may require additional support to participate fully in your organisation's decision making processes.

Step 4

Keeping people in the know

What you need to know

Once you have decided your objectives the final step is to keep your staff and service users informed about progress on attainment. At the moment, the draft regulations do not state that organisations have to publish information relating specifically to their equality objective. However, they *do* have to publish information showing how they are meeting their public sector equality duty. It makes sense, then, to publish all this information together.

Key lessons

- the current emphasis on transparency and the Big Society means organisations are increasingly expected to help individuals and community groups develop the skills to scrutinise and hold public bodies to account. To ensure that the relevant people have the skills to analyse your data effectively, you may want to invest support/resources in developing the skills of local community groups in areas such as:
 - communication skills, such as public speaking skills
 - listening and conflict mediation skills
 - understanding of past approaches to equality and the problems associated with them
 - understanding of your organisation's functions, strategy, legislative and regulatory context, and current resource constraints
- following on from this last point, some of the data you publish for scrutiny might be quite technical and complex. Before releasing it, you may want to check that the information you provide is jargon-free, accessible, and contains adequate contextual information if appropriate. Remember the basics:
 - does your report have an executive summary?
 - is there a headline summary of progress?
 - do tables or statistical data have short, punchy overviews?
 - does the report avoid duplicating or repeating data unnecessarily?
- given the importance of Big Society principles to organisations' scrutiny and accountability process, some organisations have begun to develop appropriate and useful standards around information provision to ensure greater consistency on the issue

Additional information

The legislation

The Specific Duty Regulations can be found here:
www.legislation.gov.uk/ukxi/2011/2260/contents/made

Statutory guidance

Even though the statutory code of practice on the Public Sector Equality Duty has not yet been released, there are other documents that could help in thinking this through. For example, the Equality and Human Rights Commission's *Equality objectives and the equality duty: A guide for public authorities* can be found here:

www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/objectives_guidance.pdf

(Note this was produced prior to changes to the Specific Duties but still contains useful guidance.)

Other brap guides

brap publications mentioned in this guide include:

Engaging People: A guide for improving the involvement of BME people in engagement activities

www.brap.org.uk/content/view/398/564/

Who Moved My Samosa?: Managing conflicts about equality and diversity

www.brap.org.uk/content/view/396/563/

Why bother with Human Rights?

www.brap.org.uk/content/view/397/565/

For hard copies of any of these publications, please email brap@brap.org.uk

How we can help

As we said at the beginning, this guide isn't meant to be comprehensive – it's some tips and pointers we've picked up working with a range of public sector organisations over the course of 13 years.

During that time, we've gained a wealth of experience helping organisations make legislation work for them – because, believe it or not, legal requirements like the new specific duties have the potential to make a positive, substantial difference to the outcomes you achieve for customers.

Here are some of the ways we can help.

Needs analysis of diverse groups

Over recent years organisations have invested more and more in engaging with the community but haven't necessarily seen an equivalent improvement in outcomes for marginalised groups. In many areas it can be difficult to get an informed opinion about your services and what people need. Who are the people who can help you close the gaps?

brap employ a range of innovative engagement techniques to find out what people *really* think. Whether it's 'walking the area' – visiting shops and talking to people on the street to understand more about their views – facilitating focus groups, or door to door consultation we have the energy, contacts, and skills to engage those who normally don't speak out.

Objective setting

It's not enough to know what people think: the key challenge is to use this data to create clear and actionable recommendations for change. But devising a programme for change isn't always easy. How do you weigh up competing needs? How do you factor in existing staff competencies? And how do you create buy-in for your ideas and vision?

In the past we've worked with housing associations, PCTs, and local authorities to create action plans and equality schemes that prioritise the things that matter to people. Working with customers, staff, and managers to identify key issues, we can create a clear action plan which everyone feels they have a stake in.

Service redesign

In our experience, the best way to improve outcomes for a particular marginalised group is to create services which are fair and accessible to *everyone*. brap is at the forefront of using human rights principles to do this. Rather than thinking about what people need based on a narrow aspect of their identity, we're helping organisations identify the entitlements we all have as human beings.

brap can work with your staff and groups of your customers to develop a set of 'service guarantees' that ensure particular human rights are protected as you deliver your services. These guarantees will be unique to your organisation. We have already worked with

organisations in the health sector and housing to do this. Developing these guarantees creates a strong and joint contract between your staff and service users about what is most important in ensuring dignity and respect in the job you are doing.

Training, mentoring, and coaching

In our experience there are two major obstacles that hold organisations back when it comes to implementing fairness. Firstly, leaders and managers sometimes fail to uphold the principles of equality in their actions and decisions, which undermines the importance of the agenda. Secondly, staff are often unsure of what they need to do practically to ensure service users receive fairer outcomes.

brap has helped hundreds of organisations overcome these issues through bespoke training and mentoring programmes. In the last 10 years over 230 people have benefited from the one-to-one support delivered through our leadership programme, while many more have learnt about equality management through group sessions and workshops. Thousands of frontline staff have received tailor made training from brap. We've also devised a range of personal development tools such as learning journals, personal metrics, and individual coaching plans to help staff enact the behaviour that will lead to real change.

To find out more about our leadership programme, Leading Equality Design and Action (LEDA), visit www.brap.org.uk.

Conflict resolution

Inevitably when you're deciding equality objectives there are going to be winners and losers. It is important to be able to communicate to communities that may not benefit directly from your decisions why you have made the choices you have. This is not only important for your organisation's reputation, but for deescalating potential tensions in the community too.

brap can help you to manage community expectations and to facilitate difficult discussions about use of scarce public resources. Our two-day course 'Responding to competing community needs: a guide for public officials' can help you drive progress on this in your own organisation.

*

Thinking about the requirements of the duties and reflecting on how these can add value to your existing services will make these regulations more meaningful.

We're already working with a range of organisations to help them meet their responsibilities effectively and efficiently. If you would like further advice, guidance, or training, contact us at brap@brap.org.uk or on 0121 456 7400.

brap is think fair tank, inspiring and leading change to make public, private and third sector organisations fit for the needs of a more diverse society. brap offers tailored, progressive and common sense approaches to equality training, consultancy and community engagement issues. Registered charity number 1115990

The logo for brap, consisting of the lowercase letters 'brap' in a bold, blue, sans-serif font. The letters are closely spaced and have a modern, clean appearance.

brap | 9th Floor, Edgbaston House | Hagley Road | Birmingham | B16 8NH
Email: brap@brap.org.uk | Telephone: 0121 456 7401 | Fax: 0121 456 7419