

## Leeds College of Music

### Meeting the Public Sector Equality Duty (PSED)

This report provides a historical review of the actions taken and being taken to meet the requirements of the Public Sector Equality Duty, as specified in the 2010 Equality Act and the subsequent January and March 2011 guidance on implementation of the specific duties relating to the PSED issued by The Government.

#### Overview of the Equality Duty

The public sector equality duty consists of a general equality duty, which is set out in section 149 of the Equality Act 2010 itself, and specific duties which are imposed by secondary legislation. The general equality duty came into force on 6 April 2011. The specific duties also came into force on this date but some of the requirements of those specific duties have different timeframes for implementation.

#### Key dates for the equality duty

5 April 2011 general equality duties came into force  
10 September 2011 specific equality duties came into force  
31 January 2012 listed bodies (except schools) to publish equality information  
6 April 2012 schools to publish equality information  
6 April 2012 listed bodies (including schools) to publish equality objectives

#### Protected characteristics

The new duty covers the following eight protected characteristics:

Age;  
Disability;  
Gender reassignment;  
Pregnancy and maternity;  
Race;  
Religion or belief;  
Sex;  
Sexual orientation.

People with these characteristics are referred to as protected groups. People who are considering, undergoing or have undergone gender reassignment are referred to in this guide as transsexual.

The duty also covers a ninth protected characteristic, marriage and civil partnership, but not for all aspects of the duty.

## **The General Equality Duty**

The general equality duty is set out in the Equality Act 2010 (the Act). In summary, those subject to the equality duty must, in the exercise of their functions, 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.**
- **Foster good relations between people who share a protected characteristic and those who do not.**

These are sometimes referred to as the three aims or arms of the general Equality Duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

Leeds College of Music also needs to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status. This means that the first arm of the duty applies to this characteristic.

When this document refers to the general equality duty, it is referring to all three arms of the duty, as set out in the Equality Act 2010.

### **Purpose of the general Equality Duty**

The broad purpose of the Equality Duty is to integrate consideration of equality and good relations into the day-to-day business of the organisation.

The general equality duty therefore requires Leeds College of Music to consider how we can positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the

delivery of services, including internal policies, and for these issues to be kept under review.

## **The Specific Duties**

The specific duties apply to all the public authorities that are listed in Schedule 1 of the regulations which includes colleges. All public authorities covered by the specific duties are covered by the general equality duty.

In summary, Leeds College of Music is required to:

### **1. Publish information**

- **Publish sufficient information to demonstrate its compliance with the general equality duty across its functions.** This must be done by 31 January 2012 and at least annually after that, from the first date of publication.

**This information must include**, in particular:

- **Information on the effect that its policies and practices have had** on people who share a relevant protected characteristic, to demonstrate the extent to which it furthered the aims of the general equality duty for its employees and for others with an interest in the way it performs its functions.

Public authorities with fewer than 150 employees are exempt from the requirement to publish data on their effects on their employees, but all public authorities have to publish the following information:

- **Evidence of analysis that has been undertaken** to establish whether their policies and practices have (or would) further the aims of the general equality duty.
- **Details of the information that has been considered** in carrying out this analysis.
- **Details of engagement that has been undertaken** with people whom the college considers to have an interest in furthering the aims of the general equality duty.

### **2. Prepare and publish equality objectives**

**By 6 April 2012, prepare and publish:**

- **Objectives** that the college reasonably thinks it should achieve to meet one or more aims of the general equality duty.

- **Details of the engagement that it undertook, in developing its objectives,** with people whom it considers to have an interest in furthering the aims of the general equality duty.

**It must also:**

- **Consider the information that it published before preparing its objectives.**
- **Ensure the objectives are specific and measurable.**
- **Set out how progress will be measured.**

**Publication**

The information on equality objectives must be published at least every four years. The above information and equality objectives must be published in a manner that is reasonably accessible to the public. It can be published within another document.

**Purpose of the specific duties**

The purpose of the specific duties is to help the college to comply with the general equality duty, by improving the focus and transparency of our activities to meet the duty.

**Complying with the General and Specific Duties**

The general equality duty is not prescriptive about the approach the college should take in ensuring it has due regard to the need to advance the equality aims. The steps prescribed by the specific duties are limited to preparing and publishing equality objectives and publishing information. Beyond that, it is left up to the college to decide how it will ensure compliance with the general equality duty.

The following principles from case law on the previous equality duties will, however, continue to apply for the new duty. In order to comply with the general equality duty, Leeds College of Music will ensure that:

- Decision makers are fully aware of the implications of the duty when making decisions about their policies and practices
- The duty is complied with before and at the time that a particular policy is under consideration and a decision is taken.
- Consideration of the need to advance equality forms an integral part of the decision making process. This duty must be exercised in such a way that it influences the final decision.
- Any third parties exercising public functions on behalf of the college are required to comply with the duty, and do so in practice, as the duty rests with the college even if functions have been delegated to a third party.
- Regard is given to the need to advance equality when a policy is implemented and reviewed.