Assessing the influence of the Equality Act 2010 and Equality Duty.

From November 2011 to January 2012 the Government Equalities Office (GEO) carried out research to evaluate the effects and implementation of the Equality Act 2010. 1811 organisations in public, private and voluntary settings were surveyed by telephone across England, Scotland and Wales. The results were published in three reports.

Report 1 – Evaluation of the Implementation of the Equality Act organisational approaches to equality.

Report 2 - Evaluation of the Implementation of the Equality Act, awareness and impact of the Equality Act.

Report3 - Evaluation of the Implementation of the Equality Act, disputes and challenges.

Overall findings of the reports and evaluation of these findings.

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| **Findings of the research** | Assessment & Evaluation |
| The survey revealed widespread engagement with equalities and with equality legislation.  This engagement tends to be stronger in the public sector than in the private sector, and in larger rather than smaller firms.  The overwhelming majority of establishments had either a written policy relating to equality or an approach to discrimination issues that was known by their employees. | *The legislation is having an effect across all sectors but engagement is greater in larger organisations and in the public sector organisations, possibly as an effect of the public equality duty.* |
| In the organisations surveyed most suggested their approach derived from a sense of moral obligation on the part of the owners or managers as well as a concern to be in compliance with workplace equality legislation.  An additional factor in implementing the initiative was the concern that the organisation should be viewed favourably by communities, customers and suppliers. | *Pressure to promote equality is coming from external pressures or organisations’ sense of moral or social responsibility. This finding highlights the importance of*  *external regulatory and moral pressures on organisations.* |
| Organisations are concerned with being recognised as socially responsible with their image being important. This was noted to be more common in the public sector than in the private or VCSE sectors. | *It is having an influence on the public sector which will lead to greater promotion of anti-discriminatory practice* |
| A large majority of written policies explicitly covered characteristics that had been protected by legislation prior to the Equality Act. They were less likely to refer to marriage and civil partnership or to gender reassignment; however, even in the small organisations, at least half of policies did so. | *Not everyone has taken on board all aspects of the changes* |
| In larger organisations a majority had become more aware of equality legislation over the previous two years when compared with smaller organisations.  Recent information seeking on equality related issues was strongly positively associated with organisation size. | *This suggests that the widening scope of equality legislation may have had most impact on those with the highest level of prior engagement* |
| Only a small minority of organisations with a written policy had first adopted it in the previous 12 months while around a quarter had done so in the period of between one to five years prior to the survey | *Many organisations may have been prompted to adopt a policy in the months leading up to the implementation of Equality Act* |
| More than half of those surveyed reported that their policies had been updated in the previous 12 months. Organisations that have recently updated policies are more likely to feel well informed about the Act than those with no policies .In addition, having a policy is positively associated with awareness of the Act, even where it has not been updated | *This may indicate a response to the introduction of the Act which has lead*  *to organisations finding out about the Act and updating of the policies.* |
| Twelve per cent of respondents said they did not know which characteristics were covered by equality legislation.  Where at least one characteristic was named, only two characteristics (race and disability) were named by more than half of respondents (64 per cent and 52 per cent, respectively)  Sex was identified by 41 per cent. This is surprising given that 85 % of written policies explicitly mentioned sex.  Among the respondents who confirmed that their policy covered sex, fewer than half (47 per cent) subsequently recognised that equality legislation covered this characteristic. | *The researchers suggest this inconsistency may reflect that some respondents are confused by what the term equality legislation covers; they may view it as complementing longstanding legislation*  *such as the Sex Discrimination Act rather than replacing it.* |
| Although a majority of respondents had not actively sought information on the Equality Act, three-quarters felt their organisation’s awareness of the Act was as good as was needed  A majority respondents felt that the introduction of the Equality Act had not raised the importance of equality matters in their organisation.  A similar number also (77 %) reported that it had not affected the establishment’s operations or practices. When asked why not, 70 per cent stated that their organisation had been fully compliant already. | *Organisations are confident in their approach to equality and were already complying with the Act at the time of the research.* |
| Respondents were asked whether their organisation had taken deliberate steps in the previous two years to increase the employment of groups of people who were felt to be under-represented in the workforce. Given the relative newness of the Act it is to some extent to be expected that they would have done so.  Only a small minority (14 per cent) of all respondents reported that their organisation had taken steps to recruit under-represented groups  Where steps had been taken, the most common targets were black and minority ethnic groups (44 per cent); people with disabilities (32 per cent); diverse age groups (23 per cent) and women (20 per cent).  Respondents were told that the Equality Act allows employers to take positive action in recruitment and promotion to counteract under-representation in their organisation. Examples given included employing a male primary school teacher to counteract the under-representation of men in that environment. Respondents were asked whether they had heard of the term ‘positive action’ in that context. Just over a third of respondents (37 per cent) had heard of the term positive action with that meaning. | *May be there is a need for information or awareness raising around this aspect of*  *the Equality Act as possibly organisations are unclear of the legal support for*  *positive action .* |
| The research found that the great majority of organisations of all sizes have procedures in place for addressing employee claims of unequal treatment or discrimination  Only a small minority of organisations have needed to use such procedures recently, and only a handful of complaints have referred to the Equality Act. | *This could show that the Equality Act and the policies developed are encouraging good equalities practice. However, a very low use of complaints procedure could also be a sign that people may have a low awareness of the Equality Act, or are reluctant to use the channels open to them under the Equality Act.* |

Another piece of research “The performance of the health sector in meeting the public sector equality duties” (E&HRC 2011); examined performance on the former race, disability and gender equality duties by Strategic Health Authorities and Primary Care Trusts in England. These equality duties were replaced by the new public sector equality duty. The Equality & Human Rights Commission suggests that that new public sector equality duty effectively implemented can assist in reducing health inequalities, improving the life chances and wellbeing millions of people and creating an effective workforce.

The research found that although progress was made on delivering the race, disability and gender equality duties, significant work still needs to be done by health bodies to ensure that their efforts lead to identifiable changes to health outcomes for different groups.

From this a policy paper was developed with recommendations as to how health bodies can meet their obligations under the new equality duty. E&HRC 2011)

References of the sources used

Government Equalities Office (2012) Evaluation of the Implementation of the Equality Act. Report 1 –organisational approaches to equality.

Government Equalities Office (2012) Evaluation of the Implementation of the Equality Act Report 2 -, awareness and impact of the Equality Act.

Government Equalities Office (2012) Evaluation of the Implementation of the Equality Act, Report3 - disputes and challenges.

E&HRC (2011) The performance of the health sector in meeting the public sector equality duties.

<http://www.equalityhumanrights.com/uploaded_files/research/psed_health.pdf>

E&HRC (2011) The Public Sector Equality Duty: A way forward for the health sector.

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