

Draft Regulations laid before Parliament under section 208(4), (5)(f) and (8) of the Equality Act 2010, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. 0000

EQUALITY

The Equality Act 2010 (Specific Duties) Regulations 2011

*Made - - - - - ***
Coming into force in accordance with Regulation 1(1)*

These Regulations are made in exercise of the powers conferred by sections 153(1), 154(2) and 207(4) of the Equality Act 2010(1).

The Secretary of State has consulted the Commission for Equality and Human Rights in accordance with sections 153(4) and 154(4) of that Act.

The Secretary of State has consulted the Welsh Ministers in accordance with section 154(3) of that Act so far as these Regulations apply to cross-border Welsh authorities.

A draft of these Regulations was laid before and approved by a resolution of each House of Parliament in accordance with section 208(4), (5)(f) and (8) of that Act.

The Secretary of State, in exercise of those powers, makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Equality Act 2010 (Specific Duties) Regulations 2011 and come into force on the day after the day they are made.

(2) In these Regulations “the Act” means the Equality Act 2010.

Publication of information

2.—(1) Each public authority listed in either Schedule to these Regulations must publish information to demonstrate its compliance with the duty imposed by section 149(1) of the Act.

(2) A public authority listed in Schedule 1 to these Regulations must publish the information—

(a) not later than 31st January 2012; and

(b) subsequently at intervals of not greater than one year beginning with the date of last publication.

(3) A public authority listed in Schedule 2 to these Regulations must publish the information—

- (a) not later than 6th April 2012; and
 - (b) subsequently at intervals of not greater than one year beginning with the date of last publication.
- (4) The information a public authority publishes in compliance with paragraph (1) must include, in particular, information relating to persons who share a relevant protected characteristic who are—
- (a) its employees;
 - (b) other persons affected by its policies and practices.
- (5) Paragraph (4)(a) does not apply to a public authority with fewer than 150 employees.

Equality objectives

- 3.—**(1) Each public authority listed in either Schedule to these Regulations must prepare and publish one or more objectives it thinks it should achieve to do any of the things mentioned in paragraphs (a) to (c) of subsection (1) of section 149 of the Act.
- (2) The objectives must be published—
- (a) not later than 6th April 2012; and
 - (b) subsequently at intervals of not greater than four years beginning with the date of last publication.
- (3) An objective published by a public authority in compliance with paragraph (1) must be specific and measurable.

Manner of publication

- 4.—**(1) Each public authority listed in either Schedule to these Regulations must publish the information referred to in regulations 2 and 3 in such a manner that the information is accessible to the public.
- (2) A public authority may comply with a duty to publish information imposed by regulation 2 or 3 by publishing the information within another published document.

Date *Name*
Secretary of State for the Home Department

SCHEDULE 1

Regulation 2(2)

PUBLIC AUTHORITIES REQUIRED TO PUBLISH INFORMATION BY 31ST JANUARY 2012

Armed forces

Any of the armed forces other than any part of the armed forces which is, in accordance with a requirement of the Secretary of State, assisting the Government Communications Headquarters.

Broadcasting

The British Broadcasting Corporation (“BBC”), except in respect of functions relating to the provision of a content service (within the meaning given by section 32(7) of the Communications Act 2003⁽²⁾); and the reference to the BBC includes a reference to a body corporate which—

- (a) is a wholly owned subsidiary of the BBC,
- (b) is not operated with a view to generating a profit, and
- (c) undertakes activities primarily in order to promote the BBC’s public purposes.

The Channel Four Television Corporation, except in respect of—

- (a) functions relating to the provision of a content service (within the meaning given by section 32(7) of the Communications Act 2003), and
- (b) the function of carrying on the activities referred to in section 199 of that Act⁽³⁾.

The Welsh Authority (as defined by section 56(1) of the Broadcasting Act 1990⁽⁴⁾), except in respect of functions relating to the provision of a content service (within the meaning given by section 32(7) of the Communications Act 2003).

Civil liberties

The Commission for Equality and Human Rights.
The Information Commissioner.

Court services and legal services

The Children and Family Court Advisory and Support Service.
The Judicial Appointments Commission.
The Legal Services Board.
The Legal Services Commission.

Criminal justice

Her Majesty’s Chief Inspector of Constabulary.
Her Majesty’s Chief Inspector of the Crown Prosecution Service.
Her Majesty’s Chief Inspector of Prisons.
Her Majesty’s Chief Inspector of Probation for England and Wales.
The Parole Board for England and Wales.

(2) 2003 c. 21.

(3) Section 199 was amended by the Digital Economy Act 2010 (c. 24), section 22(2).

(4) 1990 c. 42. Section 56(1) was amended by the Communications Act 2003, Schedule 19(1).

A probation trust established by an order made under section 5(1) of the Offender Management Act 2007⁽⁵⁾.

The Youth Justice Board for England and Wales.

Environment, housing and development

The Environment Agency.

The Homes and Communities Agency.

Natural England.

The Office for Tenants and Social Landlords.

The Olympic Delivery Authority.

Health, social care and social security

The Care Quality Commission.

The Child Maintenance and Enforcement Commission.

The Independent Regulator of NHS Foundation Trusts.

NHS Blood and Transplant.

The NHS Business Services Authority.

An NHS foundation trust within the meaning given by section 30 of the National Health Service Act 2006⁽⁶⁾.

An NHS trust established under section 25 of that Act.

A Primary Care Trust established under section 18 of that Act, or continued in existence by virtue of that section.

A Special Health Authority established under section 28 of that Act (other than NHS Blood and Transplant and the NHS Business Services Authority).

A Strategic Health Authority established under section 13 of that Act, or continued in existence by virtue of that section.

Industry, business, finance etc.

The Advisory, Conciliation and Arbitration Service.

The Bank of England, in respect of its public functions.

The Civil Aviation Authority.

The Financial Services Authority.

The National Audit Office.

The Office for Budget Responsibility.

The Office of Communications.

Local government

The Audit Commission for Local Authorities and the National Health Service in England.

(5) 2007 c. 21.

(6) 2006 c. 41.

A body corporate established pursuant to an order under section 67 of the Local Government Act 1985(7).

The Common Council of the City of London in its capacity as a local authority or port health authority.

The Council of the Isles of Scilly.

A county council or district council in England.

A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(8), or a scheme to which section 4 of that Act applies, for an area in England.

The Greater London Authority.

A joint committee constituted in accordance with section 102(1)(b) of the Local Government Act 1972(9) for an area in England.

A London borough council.

The London Development Agency.

The London Fire and Emergency Planning Authority.

A National Park authority established by an order under section 63 of the Environment Act 1995(10) for an area in England.

A Passenger Transport Executive for an integrated transport area in England (within the meaning of Part 2 of the Transport Act 1968(11)).

A regional development agency established by the Regional Development Agencies Act 1998(12) (other than the London Development Agency).

The Standards Board for England.

Transport for London.

Ministers of the Crown and government departments

A government department other than the Security Service, the Secret Intelligence Service or the Government Communications Headquarters.

A Minister of the Crown.

Other educational bodies

The governing body of an institution in England within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992(13)).

The governing body of an institution in England within the higher education sector (within the meaning of section 91(5) of that Act).

The Higher Education Funding Council for England.

The Student Loans Company Limited.

(7) 1985 c. 51.

(8) 2004 c. 2. Section 2 has been amended by the Local Government and Public Involvement in Health Act 2007 (c. 28), Schedule 1, Part 2, paragraph 22(1) and (2).

(9) 1972 c. 70.

(10) 1995 c. 25.

(11) 1968 c. 73.

(12) 1998 c. 45.

(13) 1992 c.13.

Parliamentary and devolved bodies

The National Assembly for Wales Commission (Comisiwn Cynulliad Cenedlaethol Cymru).
The Scottish Parliamentary Corporate Body.

Police

The British Transport Police Force.
A chief constable of a police force maintained under section 2 of the Police Act 1996(14).
The Chief Inspector of the UK Border Agency.
The Civil Nuclear Police Authority.
The Commissioner of Police for the City of London.
The Commissioner of Police of the Metropolis.
The Common Council of the City of London in its capacity as a police authority.
The Independent Police Complaints Commission.
The Metropolitan Police Authority established under section 5B of the Police Act 1996(15).
A police authority established under section 3 of that Act.
The Serious Organised Crime Agency.

Regulators

The General Council of the Bar, in respect of its public functions.
The Health and Safety Executive.
The Law Society of England and Wales, in respect of its public functions.

SCHEDULE 2

Regulation 2(3)

PUBLIC AUTHORITIES REQUIRED TO PUBLISH INFORMATION BY 6TH APRIL 2012

Educational institutions

The governing body of an educational establishment maintained by an English local authority (within the meaning of section 162 of the Education and Inspections Act 2006(16)).
A local authority with respect to the pupil referral units it establishes and maintains by virtue of section 19 of the Education Act 1996(17).
The proprietor of a City Technology College, City College for Technology or the Arts, or an Academy.

(14) 1996 c. 16.

(15) Section 5B was inserted by section 310(1) of the Greater London Authority Act 1999 (c. 29).

(16) 2006 c. 40.

(17) 1996 c. 56. Section 19 was amended by the Children, Schools and Families Act 2010 (c. 26), section 3, Schedule 3, Part 1, paragraph 1 and Schedule 4, Part 1; the Education and Inspections Act 2006 (c. 40), section 101; the Education Act 1997 (c. 44), section 47(2) to (4), Schedule 8; and S.I. 2010/1158 and 2007/1507.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose duties on public authorities listed in the Schedules to these Regulations. The purpose of the duties is to ensure better performance by the public authorities concerned of their duty to have due regard to the matters set out in section 149(1) of the Equality Act 2010 (c. 15) (“the Act”).

Regulation 2 requires public authorities to publish information to demonstrate their compliance with the duty imposed by section 149(1) of the Act. Paragraph (2) requires the public authorities listed in Schedule 1 to publish this information not later than 31st January 2012 and subsequently at intervals of not greater than one year beginning with the date of last publication. Paragraph (3) requires the public authorities listed in Schedule 2 to publish this information not later than 6th April 2012 and subsequently at intervals of not greater than one year beginning with the date of last publication. Paragraphs (4) and (5) set out what a public authority’s published information must include.

Regulation 3 requires all public authorities listed in the Schedules to prepare and publish one or more objectives they think they should achieve to do any of the things mentioned in paragraphs (a) to (c) of subsection (1) of section 149 of the Act. All public authorities must publish their objectives not later than 6th April 2012 and subsequently at intervals of not greater than four years beginning with the date of last publication.

Regulation 4 requires that the information must be published in such a manner that the information is accessible to the public and allows the information to be published as part of another document.

The instrument has no impact on the costs of business, charities or voluntary bodies. A full impact assessment of the effect that this instrument will have on the costs of the public sector is available from www.equalities.gov.uk and is published along with the Explanatory Memorandum on www.legislation.gov.uk.