



Blackpool Town Deal Board Meeting No 13 – Agenda Item 7

Report to: Blackpool Town Deal Board
Subject: Public Sector Equality Duty
Relevant Officer: Andy Divall, Equality and Diversity Manager, Blackpool Council
Date of Meeting: 8th October 2021

1. Purpose of Report

To brief the Board on the role of the Public Sector Equality Duty (PSED) within the Towns Fund and the how it is proposed approach to its discharge these responsibilities.

2. Recommendations

To note and comment on the Council's proposed approach to discharging its Public Sector Equality Duty.

3. Introduction to the Public Sector Equality Duty and Protected Characteristics

3.1 Background

The Equality Act 2010 set out measures to protect people from discrimination. The 'axes' on which this is defined and measured cover the nine protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership (note, this is a protected characteristic only in regard to eliminating discrimination)
- Pregnancy and maternity
- Race
- Region or belief
- Sex
- Sexual orientation



The Equality Act also sets the PSED, requiring public bodies (as defined in the Act, but for the purposes of the Towns Fund, covering all local authorities) to consider how their policies or decisions affect people who are protected under the Equality Act.

The standard set is to ensure local authorities ‘have due regard’ to the need to ‘eliminate discrimination ... advance quality of opportunity, and ... foster good relations between different people’. As such, it is a positive or affirmative duty, in that equality should be promoted, as opposed to a ‘do not harm’ duty to not worsen a situation. To support this, positive discrimination is possible.

Additionally, in 2014 Government introduced a requirement for government departments to explicitly consider the family perspective in decision making – the ‘Family Test’. Whilst the Family Test only applies to government departments and not local authorities, Towns may choose to consider alongside the protected characteristics.

3.2 Discharging the Public Sector Equality Duty

PSED is discharged in different ways depending on whether a specific project/programme is being assessed or it is a wider programme/strategy.

- For a specific project or programme (such as a local plan, development proposal that might require planning permission or is a particular thing in a particular place) the PSED is normally demonstrated and discharged through an equalities impact assessment (EqIA).
- There is no mandatory or statutory requirement to complete an EqIA, nor for a record to be kept of how equalities considerations have been taken into account. However, both are considered good practice and provide a trail for audit, challenge and defence.
- For a programme, strategy or something that covers a wider area (even nation-wide) or wider array of projects it would be more usual to wrap the PSED into a regulatory impact assessment (RIA), considered alongside other strategic considerations. (It should be noted that government RIA guidance does talk about the impact on places, businesses and people but does not refer explicitly to protected characteristics, and as such does not fulfil the PSED.)
- Town Deal programmes comprise a range of projects and cover a wide geographic area. They therefore ‘fall between’ an EqIA and an RIA.
- To support Towns in discharging the PSED, a set of two inter-related templates have been provided by MHCLG which together provide a simple framework for considering impact on the protected characteristics as well as the Family Test (if chosen to include in the assessment): a project-level assessment template which will be required for all 7 Town Deal schemes; and



- a programme-level assessment template. This is required to be submitted by the 17th November alongside final submission of the 7 business cases and summary documents. -

The templates reflect the principles of EqIA and RIA and provide an integrated method for assessment and recording. Notwithstanding the templates, local authorities are responsible for the proportionality and robustness of their assessment, and may need to go beyond the templates to reflect local circumstances and/or to undertake a more detailed assessment of projects of a higher intensity or complexity.

As well as simply discharging the PSED for its own sake, assessing how projects and the wider programme impact on different groups of people is a valuable exercise in making sure that the Towns Fund investment benefits all and is as successful as possible.

3.3 Next Steps

Each of the 7 Town Deal projects is completing a project level PSED which is being reviewed by the Council's Equality and Diversity Manager as part of its Business Case preparation.

A programme level PSED is also under development again supported by the Equality and Diversity Manager.

There are some programme level Diversity related action areas with proposed follow up commitments being considered to include. For example:

- Disability accessibility - engagement & excellence
- A standardised programme level model for Equality monitoring of all project delivery.
- Possibility of assigning a board member to have specific responsibility for driving E&D in programme delivery
- Maximising "levelling up" opportunities of our local priority groups – that relate to protected characteristics