

Engagement and the Equality Duty



The aim of this guidance is to help services within Bury Council who are undertaking engagement in relation to the Public Sector Equality Duty.

What is engagement?

The new duty uses the term 'engagement', which replaces the previous requirements under equality legislation to 'consult and involve'.

Engagement is a broad term, which covers a whole range of ways that we interact with our service users and employees that is over and above what we do in providing services or within a formal employment relationship. Examples of this could be formal consultations, surveys, focus groups or discussions with employee groups which inform the way we design and deliver services.

What do we need to do?

The Public Sector Equality Duty is part of the Equality Act 2010. The duty does not contain a specific requirement for us to carry out engagement, however it implies that we need to carry out engagement with people interested in our equality performance in order to inform our: -

- equality information gathering,
- equality analysis, and
- equality objective setting.

It also provides an evidence base to help us in our decision making to meet the general duty to pay due regard to the need to advance equality.

People with an interest in our equality performance will include all the protected groups (race, disability, gender, gender reassignment, age, sexual orientation, religion or belief, pregnancy and maternity, marriage and civil partnership).

Why should we undertake engagement?

Engagement will help you to perform the following tasks, all of which in turn will help you to meet the general equality duty: -

- identifying particular needs, patterns of disadvantage and poor relations between groups
- understanding the reason for disadvantage, low participation rates and poor relations
- designing initiatives to meet these needs and overcome these barriers

- identifying opportunities to promote equality and foster good relations
- helping to fill the gaps in equality information (particularly in areas which are more sensitive, such as gender reassignment where you are less likely to be able to obtain quantitative information)
- determining priorities
- understanding the relevance of functions to equality
- analysing the equality impact of particular policies, procedures, proposals or working practices
- monitoring or evaluating initiatives

What are the benefits of engagement?

Engagement, if it is done well, can: -

- help to improve the design and delivery of services, and the policies and practices affecting your staff
- help increase trust in the Council by promoting transparency
- lead to efficiency gains by improving service design at the planning stage – for example if we listen to the expertise and experience of disabled people when designing a building we could avoid costly alterations or even legal action at a later stage
- mean more sustainable services – as services that better meet the needs of service users are likely to be more effective in the long term.

What are the risks of not carrying out any engagement?

If you do not undertake engagement then you are at risk of breaching the Public Sector Equality Duty. Compliance is monitored and enforced by the Equality and Human Rights Commission. Should it be deemed necessary, they have the power to take the Council to a judicial review.

Who should we engage with?

Try to engage with those people who have a particular interest in the work you are doing – some groups that could be included are: -

- former, current or potential service users
- employees
- trade unions
- the Council's Employee Groups (for details see www.bury.gov.uk/equality)
- equality related organisations – both locally and nationally. The Council particularly supports the BME Community Forum (see www.bury.gov.uk/equality) and the Disability Access and Involvement Forum (contact Ron Shambley on 0161 253 6901)

When should we engage?

Engagement should be considered whenever you are developing or reviewing any functions, services, policies, practices, working practices, decisions, strategies etc.

But – think practically! It isn't possible to consult with every protected group on everything, so decide how relevant the work you are doing is to equality and good relations, and to which protected groups in particular.

Keep things in proportion, and commensurate with the significance of your work and it's likely impact on equality.

Consider whether: -

- the information is already available from other engagement exercises or pieces of research
- it would save resources if you carried out the work with other partners – such as other members of Team Bury or other AGMA authorities.

For the purposes of demonstrating due regard to the aims of the general Public Sector Equality Duty, it is crucial that you undertake engagement **before** decisions are finalised.

How should we engage?

Consider what you want to achieve

- Be clear about what you want to achieve.
- Explain your aims to the people you are engaging with – and if you have no real scope to change a particular service – perhaps for financial reasons – be clear about that from the outset.
- Make the best use of everyone's time and resources.
- Be sure of the timescales you are working to.
- Ensure you have sufficient internal support/buy-in.

Choose the right method

Think about which method would work best for you: -

- Internal or external representative groups eg. the Employee Groups
- Citizen's Panel (speak to Kathy Hoyle on 0161 253 7931)
- Existing structures – such as service user forums or trade unions
- Online forums or social networks

Plan effectively

- Plan effectively in advance in order to maximise the opportunities for relevant people to participate.
- Consider the subject matter carefully, and think about how you can encourage people to participate. Show the relevance of your work to them and the impact it will have on their lives.
- It may be more productive to focus on specific discussions which have a direct impact on service users rather than more general policy discussion.

Use the information that you gather

- Carefully reflect upon and consider the information you gain from engagement. Think about how it affects your decisions and the ultimate outcome of your proposal or policy.
- Where views have not been taken on board it is helpful to explain why to increase transparency.

Some tips for successful engagement:-

1. There needs to be a genuine commitment from all participants to the values and principles of engagement.
2. Engagement should be proportionate to the significance and relevance of the impact of the function, policy, procedure or working practice on equality and good relations.
3. Engagement should be an integral part of all decision making.
4. Begin the engagement at an early stage before key decisions are made, then you can still build in their needs and preferences.
5. Engagement should be ongoing, and it is important to respond to those you engage with to address their feedback. This will increase trust and confidence.
6. Use links with partners in the public, private and voluntary sectors.
7. Identify and overcome barriers to engagement, and provide practical support to enable effective participation. Remember – we are obliged to make reasonable adjustments for disabled people, including during engagement.

**FOR FURTHER INFORMATION AND SUPPORT
PLEASE CONTACT CORPORATE HR
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WEBSITE – www.bury.gov.uk/equality**