

# 4. Equality objectives and the equality duty: A guide for public authorities

**Vol. 4 of 5**

Equality Act 2010 guidance for English public bodies  
(and non-devolved bodies in Scotland and Wales)

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# 1. Introduction

## Context for this guide

This guide is one of a series written by the Equality and Human Rights Commission (the Commission) to explain how public authorities can meet the requirements of the Equality Act 2010 (the Act). The Act brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty comes into force on 6 April 2011.

There are five guides giving advice on the equality duty:

1. *The essential guide to the public sector equality duty*
2. *Equality analysis and the equality duty*
3. *Engagement and the equality duty*
4. *Equality objectives and the equality duty*
5. *Equality information and the equality duty.*

*The essential guide* provides the main overview of duty requirements. The other four documents provide additional practical advice and advice on best practice. Further information, including resources and a frequently asked questions section can be found on the equality duty section of the Commission's website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com).

If you require this guide in an alternative format and/or language please contact our helpline to discuss your needs.

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## **Legal status of this guide**

This guide is a practical explanation of what can be done to ensure authorities are meeting the equality duty. It does not have legal standing like the statutory Code of Practice on the public sector equality duty, which can be used as evidence in legal proceedings under the Act. This guide can of course be referred to, but Courts do not have to take it into account when making a decision. We therefore recommend that public authorities use the Code as their key point of reference when seeking to clarify any legal issues. The Code is due to be published later in 2011.

Where there is an explicit legal requirement under the duty, it is indicated in this guide by the terms 'you must' or 'you are required to'. Other advice in this guide is clearly labelled as 'good practice' or as a recommendation, and is therefore not a legal requirement. Case law, however, has established certain principles on meeting the previous equality duties, and we have also indicated these by a reference to case law precedent or by explaining how certain steps may help you to comply with the duty or demonstrate compliance.

This guide is for public authorities in England and for those with non-devolved functions in Scotland and Wales. Separate Codes and guidance on the equality duty will be available from the Commission for public authorities in Scotland and in Wales. These reflect the differences in the specific duties for Scotland and Wales.

This guide was last updated on 12 January 2011. Check our website [www.equalityhumanrights.com](http://www.equalityhumanrights.com) to see if it has been replaced by a more recent version.

## **Aims of this guide**

The aim of this guide is to help public authorities subject to the equality duty to prepare for its implementation, in particular in relations to setting and measuring objectives. The guide provides more detailed advice to supplement the information set out in the essential guide.

## **Who this guide is for**

This guide has been developed primarily for those responsible for implementing the equality duty at both senior and operational level in public authorities subject to the duty. This includes, for example, chief executives, senior managers, heads of education institutions and chief constables. It should be read by relevant equality, business planning, procurement and human resources staff. It will also be helpful for staff involved in grant-making functions and for those who govern or scrutinise public authorities, like local councillors or board members.

The guide will also assist those who have an interest in the work of public authorities. This includes service users, voluntary sector bodies, trade unions, equality

organisations and people with the protected characteristics (also referred to as 'protected groups'), as set out in the Act. The equality duty covers the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but not for all aspects of the duty. We are planning to publish a guide for voluntary and community sector bodies in Spring/Summer 2011, as the duty has a wide range of implications for their work, such as when providing services, applying for public funding or assessing the performance of public authorities on equality.

## **Content of this guide**

This guide summarises the legal requirements in relation to setting and publishing objectives and gives practical advice on how to meet them. It suggests a process for developing objectives that are SMART (Specific, Measurable, Achievable, Realistic and Timed), in accordance with good practice on objective setting.

## 2. Equality objectives

The public sector equality duty consists of a general equality duty which is set out in the Equality Act itself, and specific duties which are imposed by regulations. Further information on the duty can be found in our *Essential guide to the public sector equality duty*.

The aim of the general equality duty is to integrate consideration of the advancement of equality into the day-to-day business of public authorities. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act.
2. Advance equality of opportunity between people who share a characteristic and those who don't.
3. Foster good relations between people who share a characteristic and those who don't.

We refer to these three elements as the three 'arms' or 'aims' of the general equality duty.

The new equality duty also covers marriage and civil partnership but only with regard to eliminating discrimination.

Most public authorities covered by the general duty are also covered by 'specific duties'. Full details on these are contained in *The essential guide to the public sector equality duty*. This guidance contains information on those specific duties related to objectives.

### What the duty requires on objectives

**Public authorities covered only by the general equality duty:** The general equality duty does not require these authorities to set equality objectives.

**Public authorities also covered by the specific duties:**

Listed bodies must:

- Prepare and publish equality objectives by 6 April 2012, and at least every four years after that.
- Ensure that the objectives are specific and measurable, and set out how progress towards the objectives will be measured.

- Publish details of their engagement in developing the equality objectives also at least every four years, and in line with their publication of objectives.
- Consider its published equality information before preparing and publishing these objectives
- Publish the objectives in a reasonably accessible format either as an individual document or as part of another report.

There are three main elements in the objectives process which are: **preparation, publication and measurement. These will be detailed in this guidance.**

## **Purpose of objectives**

The purpose of setting objectives is to strengthen your performance of the general equality duty. The process of developing and setting objectives for both your internal and your external functions, and ensuring progress towards them, will enable listed bodies to focus on achieving specific outcomes and play an important part in enabling them to demonstrate compliance with the duty.

As well as being a legal requirement for listed bodies, setting objectives can encourage an outcome-focused approach to setting challenging but measurable targets to improve service outcomes and the way you employ your staff. In the spirit of transparency, this will demonstrate to your service users and staff that you are taking practical action on the major equality issues. Working to objectives can also assist in building the duty into your organisation's planning processes, in prioritising resources and in improving the awareness of your senior leadership and staff about the duty. For this reason, authorities that are not required to set objectives may also find them useful.

**Aim to produce objectives that address the biggest and most pressing issues facing the protected groups that you provide services for and employ.**

### 3. How to start

Ideally, the development of equality objectives should be synchronised with the normal business planning processes of your organisation. The flexibility to publish set objectives any time up to April 2012 is intended to facilitate this. To achieve this most effectively, we recommend that staff involved in developing equality objectives should work closely with those who develop your business or operational plan. We also recommend that equality information and equality objectives should be brought together with the mainstream performance information of your organisation.

It is likely to be more effective if the person or team responsible for the area to which the objective refers is involved or leads in the development and delivery of the objective.

The aim of the objectives is to focus on the major issues for your organisation. You therefore need to have a clear overview and understanding of the major issues facing the protected groups covered by the duty. You should develop your objectives on the basis of an analysis of your employment, service, policy and other functions. This analysis will be assisted by the steps you have already taken to meet other specific duties, including gathering and publishing information (including on your engagement with stakeholders) and equality analysis of your policies and practices.

Having due regard to advancing equality means that the more relevant each of your functions is to the equality issues facing protected groups, the more emphasis you should give to it and the greater the action you should consider taking. In practice, this means prioritising the most significant issues for the protected characteristics. For example, functions which involve providing a service to members of the public are more like to be relevant to equality and good relations than functions concerning the purchase of utilities.

#### Using information

You are required to publish your initial breakdown of equality information, including your analysis of the effects of your policies and practices, by 31 July 2011, or 31 December 2011 if you are a school. This does not affect the timing in terms of setting objectives: schools will be required to do this from April 2012 just like other public authorities.

You are required to consider both your equality information and your analysis when you set and publish your objectives. This may include qualitative information from engagement with protected groups. Evidence from sources such as the Census, or information published by the Office for National Statistics (ONS), such as the Labour Force Survey, can also be helpful. In addition, the Commission has a range of useful evidence such as our Triennial Review, *How Fair is Britain?* (see <http://www.equalityhumanrights.com/key-projects/triennial-review/>).

Further advice on these issues is available in our guide *Equality information and the equality duty*.

## **Using engagement**

As part of your information collection, you may already have engaged with the public including voluntary organisations and any employee staff groups. There is, however, a particular requirement to publish details of how you engaged with them in the development of objectives. Views from those groups can help shape your early thinking on possible priorities. Engagement can helpfully take place throughout the process of developing objectives but you should ensure that it takes place at the appropriate point to influence final decisions.

Further advice on engagement is available in our guide *Engagement and the equality duty*.

## 4. Developing your objectives

We recommend that you compile a comprehensive list of ideas for possible objectives, which are based on evidence that you have collected and on analysis of where there may be equality challenges. Consider how to address all three aims of the duty across all of your functions. This means looking at issues of harassment, discrimination, fostering good relations and the advancement of equality across all of your policy, service delivery and employment functions, including any functions that you contract out.

For example:

- In services you could aim to reduce the levels of homophobic bullying in schools or to promote race equality in your community programmes.
- In public life, you could aim to increase the range of different faiths and non faiths that you have on your board or senior management team, or to increase the role of young people (aged 18-25) in your democratic and election services.
- In employment, you could set an objective of narrowing any gender pay gap, improving access to flexible working, tackling pregnancy discrimination or tackling harassment of transsexual or lesbian, gay or bisexual staff.

We recommend that senior management and board members are involved at this early stage. This will ensure that the final priorities selected will have their support. It is important that your objectives are based on sound information and analysis rather than merely being a collection of ideas from colleagues across your organisation. Develop your objectives at a strategic level and think about how they can reflect the most significant priorities for your organisation as a whole.

It would be helpful to demonstrate how your list relates to your published equality information, as you are required to consider that information under the requirements of the specific duty. It is likely that staff and stakeholders will have views on which objectives have the most significant impact on the advancement of equality for the protected groups.

When selecting criteria for choosing objectives, you can take into account:

- What does your information at a local level tell you about the importance of this issue?
- How significant is this equality issue?
- How will it contribute to the three aims of the duty?
- How many people in the protected groups are affected by the issue? Bear in mind that due regard does not necessarily mean that advancement of equality is less important when the numbers in an equality group is small. For

- What do your stakeholders think your priorities should be?
- Does national level information tell you that this is a significant issue? (for example, Office of National Statistics (ONS) information or the Commission's Triennial Review). We recognise there is a lack of information at a national level on some protected groups. Please see our guide on *Equality information and the equality duty* for more information on these issues.
- How will delivering this particular objective improve the experiences of people from the protected groups?

When making your final selection of objectives, ask yourself:

- Have you considered all three aims of the general duty (that is, to eliminate discrimination/harassment, advance equality and foster good relations)?
- What can you realistically deliver?
- Have you focused on the key issues affecting all protected characteristics and in particular the issues that can really address disadvantage experienced by protected groups?

## **Engagement and your objectives**

When you have your list of possible objectives, it will be helpful to engage again with your stakeholders (for example, service users, employees, unions and protected groups) regarding your draft objectives. This will help to ensure that your stakeholders know that your earlier engagement with them has informed your objectives. It will give them the opportunity to make comments and suggest amendments.

It is a legal requirement to publish the details of the engagement you undertook when you were developing your objectives. The development of your objectives is likely to be one of the most significant areas of meeting your obligations under the duty, and one that may be subject to challenge by various stakeholders. Taking time to engage genuinely but proportionately with a wide range of stakeholders on your objectives will assist your performance on the duty and improve the transparency of the process.

There is no designated format for publication of your engagement but it is good practice to include the names of organisations that you engaged with, and publish a summary of the evidence that came from this engagement and how it informed the formulation of your objectives.

## **A good equality objective**

The specific duties require you to ensure that the objectives you set are specific and measurable, and that you identify how progress is to be measured. In order to be

specific, set out clearly what policy, function or practice your objective (and the outcome you seek to achieve) relates to. This means focusing on achieving specific and identifiable improvements in outcomes in policies, in the way services are delivered, in the exercise of public functions and in the outcomes for your employees and service users.

While it is a legal requirement to have objectives that are specific and measurable, we would also recommend that you follow best practice in the development of objectives that are SMART (Specific, Measurable, Achievable, Realistic and Timed).

The following are some examples of SMART objectives, which are particularly outcome focused:

- A police force identifies that the number of black people being stopped and searched is six times higher than white people within its jurisdiction. The police force set a target to reduce the difference by at least 50 per cent over a four-year period.
- A school identifies that boys are underachieving academically in the key subjects of English, maths and science. Average scores show that 72 per cent of girls are achieving the expected grades, while the figure for boys is 48 per cent. The school decides to set an objective to improve this figure over a four-year period to 65 per cent of boys reaching the required grade.
- A council identifies from engagement with local disabled people and equality groups that people with a disability are 50 per cent less likely to use their adult learning services as non disabled people. Also, disabled people are declaring a much lower rate of satisfaction when accessing adult learning services than non-disabled people. The council decides to work with equality groups as well as a reference group of disabled people to identify key issues and concerns that disabled people have. It uses the evidence from this exercise to put in place concerted action to improve the satisfaction rates and take up by disabled people. The council sets an objective to improve the satisfaction of disabled people accessing their adult learning services by at least 30 per cent over a four-year period; and to increase the participation of disabled people by 40 per cent over a four-year period.
- A hospital identifies from engagement with equality groups and patient forums that there are high levels of patients over the age of 55 reporting that they were not treated with dignity and respect when using hospital services. They take the opportunity to increase awareness among their key point of care staff. They conduct training, supervision and follow-up assessments, particularly around some of the softer skills of treating people with dignity and respect. The hospital sets an objective to increase the proportion of over 55s reporting being treated with dignity and respect from its current baseline by 35 per cent within a three-year period.

Avoid vague objectives which will not meet the criteria of SMART. Examples of such non-SMART objectives would be 'we would like to have a more diverse base of service users' or 'we should give more attention to gender issues'.

Aim to have objectives that have a positive effect and bring tangible benefits to the communities that you serve and to your employees, that address the key challenges. Objectives which aim to 'increase the participation of' or 'improve the experience of users' and which are outcome-focused are more likely to demonstrate to the public that you are serious about using the duty as a tool to reduce inequality and foster good relations. The level by which you increase participation and improve the experience of protected groups will depend on the individual circumstances but you should aim to have ambitious but realistically achievable targets.

By measurable, it does not mean that you have to use numerical indicators. Qualitative as well as quantitative evidence can be used. For example, you can use tools such as staff surveys, analysis of complaint letters and feedback forms or other qualitative methods to gauge progress.

The intention of the equality duty is that equality considerations are mainstreamed into your business planning and decision-making. You may therefore wish to develop objectives that are compatible with your own key business objectives or that can be driven through your mainstream operations. We know there will be a reduction of resources in the next few years in the public sector which will lead organisations to focus on their core business or functions. It therefore makes sense to look at the major functions of your organisation and to review each of your business objectives and examine how they can be used to address the three arms of the duty.

When developing objectives it is important to bear in mind that you should not just focus on whether or not a proportionate number of a particular group are participating in a service or in employment. You should also focus, however, on their quality of experience and the outcome for that group. An issue that affects a small number of people very seriously may be more of a priority than one which affects a large group less significantly.

By developing specific and measurable objectives, you can show your employees and service users that you are committed to making progress and that you are using the equality duty to bring tangible benefits to the communities you serve and the employees that work for you.

## **Level of ambition**

Aim to set challenging, but achievable objectives. We would encourage you to assess carefully what will make the best impact on meeting the aims of the duty. If you achieve what you say you are going to do, it will build confidence in the public and your stakeholders. This will increase their willingness to engage in the future.

Many of the issues facing protected groups are stubborn and ingrained and it will take some time to fully address these. It could be that you identify key issues that will take a long period of time to achieve. This isn't a reason not to address them. You could instead set out objectives which aim to achieve what is possible within the current cycle of objectives and continue to address these in the next cycle. By breaking this down you could make progress on some of the most stubborn and ingrained equality issues, but within a manageable time frame and within the resources of your organisation. This will mean that you don't miss an opportunity to bring about long-term, fundamental change.

It will be important to have a thorough understanding of the resources that you have available to make sure that you can deliver on your objectives. You should show that you have considered different ways of achieving an objective before you decide it is unachievable.

If you set objectives that are too narrow in scope and which fail to address the most significant equality issues in your sector and your organisation, you run the risk of not having due regard to the aims of the duty. Your equality information and your engagement will provide you with valuable evidence for setting your objectives. If you have not based your objectives on adequate information or you have overlooked a major issue, then you may not be able to demonstrate that you have complied with the duty.

## **Number of objectives**

There is no set number of objectives that you are required to have. You should however, make sure that you have considered all three aims of the general equality duty and taken into account the evidence on issues facing all of the protected groups, across all of your relevant functions. By having a sound evidence base you will be able to show that the process you used in developing objectives was strategic and well informed.

Objectives should cover a period of up to four years. While it will clearly not be possible for you to resolve all inequality issues in each cycle, aim to begin to address the most significant issues you have identified.

You are required to set and publish new or revised objectives at least every four years. There is nothing to stop you setting objectives at more regular intervals than four years, and developing objectives that have a shorter timescale, if this is appropriate for your organisation.

## **Proportionality**

Having due regard to the aims of the duty means taking a proportionate approach, and this should also apply to how public authorities set their objectives. This means that the number of objectives and their level of ambition will be different, depending on the size and role of the public authority. The larger the public authority and its

functions and resources, and the more relevant its functions are to equality, the more ambitious and far-reaching its equality objectives will be expected to be. This means that larger public authorities, such as government departments, are likely to need to develop a greater number and breadth of equality objectives than a smaller public body or one with a narrower area of influence, such as a school. The efforts put in need to be in proportion to both the resources of the authority and the potential impact on the lives of protected groups.

## 5. Publication

### Frequency of publication

You must revise and publish another set of objectives no later than four years after the publication of your first objectives. However, you can revise and publish your equality objectives more frequently if you so wish, and we would encourage you to bring them into line with your usual business planning timetable.

Over the next few years there are likely to be major changes and restructuring in the provision of public services. In light of this it may be necessary to regularly review equality objectives to make sure that your objectives are still the most relevant ones through this period of change.

There are no set requirements on which format you should publish your objectives, the engagement that you undertook in developing your objectives or the information showing the progress you have made in meeting your objectives. However, you should publish in a manner that is reasonably accessible to the public as an individual document or as part of another document.

As already mentioned, however, it is helpful if you can mainstream them into your main organisational documents. We would also recommend that you publish your objectives and the progress you have made towards them in your annual report. Aim to put regular updates on your website on your objectives, the progress you have made and the details of engagement you have carried out.

### Equality schemes

Under the specific duties, there is no legal requirement to produce or publish an 'equality scheme' as there was for the previous duties. However, we know that some organisations have found this a useful tool for presenting their equality information and for communicating with stakeholders.

If you feel that this is an effective mechanism for publishing your objectives (and how you will measure progress) and your equality information, then you can choose to develop a 'scheme' if you wish. However, you will have to ensure that any document you produce meets the publication requirements of the new duties. You should also remember that producing an equality scheme alone will not fulfil your obligations under the general equality duty, particularly in relation to analysing the equality effect of your policies and practices.

## 6. Measuring progress

Under the specific duties, listed bodies are required to set out how progress against their objectives will be measured. You are required to publish information related to this progress. This means that that when setting objectives, you need to think about what progress looks like, how it will be measured and how you will report on it.

To take an example, you are a health commissioning body and user information shows that only 20 per cent of lesbian patients are accessing cervical smear services, compared with an average of 80 per cent of all women. National research suggests that this is because lesbian patients had negative experiences in relation to the service. You set an objective to increase the number of lesbian patients accessing the service with the goal of achieving at least 60 per cent within four years. You work with equality groups and undertake an awareness-raising campaign to encourage lesbian women to take smear tests. You also carry out work with GPs to make sure that they do not discriminate in the how they provide this service. You decide to set interim goals and to check annually that the proportion is increasing, measuring the numbers accessing this service as well as monitoring the experiences of lesbian patients. This could be done, for example by confidentially collecting feedback information from women on how they felt accessing the service, including whether they felt that they were treated with dignity and respect. You publish information in your annual report about the progress you are making in meeting your target.

Keeping your progress under review will help you identify where there is insufficient progress, and to identify where and when you may need to revise your strategy. Engaging with protected groups and other interested stakeholders can be very useful in this process, as it will help you to keep in touch with the main issues and concerns on the ground.

We would also encourage you to keep senior management and any board members or governors updated on progress against the agreed objectives, ideally alongside other performance information. Showing visible leadership on equality issues is likely to be an important step in delivering your objectives.

## 7. Step-by-step guide

To summarise, these are the key steps that you can take. What is set out here is a suggested approach, rather than a prescribed requirement. Steps that listed bodies must take as a legal requirement are indicated, however, by use of the term 'must'.

### **Step 1: Understand the equality issues in your organisation and sector**

Get an overview and understanding of the major issues affecting the protected groups across all your functions. Do this by:

- Engaging with your stakeholders, and your staff.
- Considering your published equality information (listed bodies must do this).
- Reviewing national, regional and local equality information.
- Looking at your existing equality analysis of your policies and practices on the protected groups.

### **Step 2: Develop possible equality priorities for action**

For your next step, aim to create a list of equality, discrimination and good relations issues you might want to address.

You may find that you compile a list of issues that you can't possibly achieve because of the number of issues identified.

**We recommend the involvement of senior management and board members at this early stage.**

### **Step 3: Prioritise and select objectives**

- Identify a number of priority issues. Use an evidence-based approach to select the most significant issues.
- We would recommend that you engage with stakeholders at this point in particular.
- Develop objectives on a strategic level that can be delivered and monitored through your mainstream operations.

Ask yourself:

- How significant is this equality issue?
- How significant is the disadvantage or the potential to advance equality?
- What does your information at a local level tell you about the importance of this issue?
- Does national level information tell you that this is a significant issue?

When making your final selection of objectives, ask yourself:

- Have you focused on the key issues affecting all protected groups and in particular the issues that cause the most disadvantage to protected groups?
- Have you considered all three aims of the general duty (to eliminate discrimination/harassment, advance equality, foster good relations)?
- What can you realistically deliver in the period of your objectives cycle?

**Step 4: You must make sure that your objectives are specific and measurable**

- Aim to have objectives that have a specific, positive, measurable effect on the communities that you serve and on your employees.
- Make sure that your objectives are not vague.
- Qualitative as well as quantitative information can be used to measure progress.
- Remember tools such as staff surveys, analysing complaint letters and feedback forms and other qualitative methods to gauge progress.

**Step 5: You must publish your objectives and set out how you will measure progress**

You must publish, at least every four years, the objectives and details of the engagement you undertook.

You must set out how you are going to measure progress, and if necessary put in place mechanisms to do this. Focus on quality of experience of protected groups as well as numerical information. Use tools to set out how you will measure progress such as:

- Monitoring evidence such as life expectancy information, criminal justice evidence, exam results and so on.
- Analysing quantitative or qualitative information from staff surveys.
- Sending targeted feedback forms to service users.
- Reviewing complaint letters for the issue that is being monitored.
- Engaging with staff groups.
- Engaging with stakeholders.
- Monitoring forms for staff or service users.

Monitoring progress will be essential for identifying where insufficient progress is being made, and for identifying where you need to revise your strategy.

**Step 6: You must review and revise objectives**

You must revise and publish a set of equality objectives at least every four years; this is the minimum requirement. However, there is nothing to stop you from reviewing your equality objectives at more regular intervals and setting objectives that have a shorter timescale if you wish.

## Contact us

The Equality and Human Rights Commission aims to reduce inequality, eliminate discrimination and harassment, strengthen good relations between people, and promote and protect human rights.

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