Reviewing the aims and effectiveness of the Public Sector Equality Duty (PSED) in Great Britain

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Executive summary

Introduction

The primary aim of this research was to understand how public authorities set and implement equality objectives and outcomes in England, Scotland and Wales as part of their specific duties under the Public Sector Equality Duty (PSED). It also reviewed international evidence to find effective ways of drafting, monitoring and enforcing duties through legislation that can be applied to the PSED.

The PSED, enacted in section 149 of the Equality Act 2010 and in force since April 2011, has a general duty that requires public authorities to have due regard to the need to tackle discrimination and promote equality for the protected characteristics of race, disability, gender, gender reassignment, age, sexual orientation, religion or belief, and pregnancy and maternity, as well as encourage better relations between people who share a protected characteristic and those who do not.

The specific duties were created through secondary legislation and are intended to help public authorities perform the general duty more effectively. Specific duties require public authorities in England, Scotland and Wales to publish information demonstrating their compliance with the PSED and to set organisational equality objectives (England and Wales) or outcomes (Scotland) at least every four years. The Scottish and Welsh Governments have more extensive sets of specific duties in place, and are also required to report on their progress in achieving the objectives/outcomes they have set.

The study focused on the decision-making process for setting equality objectives/outcomes across four sectors: health, further and higher education, local authorities and the police. We used three different methods to gather data:

- a web-based review of the objectives/outcomes set and published by 383 public authorities on their websites
- follow-up telephone interviews with 39 public authorities to explore the rationale and processes behind their published objectives/outcomes, and

- a desk-based rapid evidence review covering 38 sources (of which 36 were relevant) of how positive duties are drafted, monitored and enforced through legislation and the lessons that can be applied to the PSED.

Key findings

The research explored compliance with the specific duties, the selection of specific objectives or outcomes, the process by which they were developed, and the ways in which they were implemented. It also covered the development and implementation of positive duties.

Compliance with the specific duties

The web review found that 91% of the 383 public authorities in the sample had publicly accessible objectives/outcomes, a key aspect of PSED compliance. Interviewees also noted that:

- Where the PSED was the only, or the main, driver for compliance, this was either due to the 'force' of the legislation itself, or to avoid the potential reputational harm from non-compliance. The perception that the Equality and Human Rights Commission could monitor and enforce compliance was also an important driver in this regard.
- Where the PSED played a less central role in driving compliance, this was as a result of other sectoral and organisational drivers.

Setting objectives or outcomes

The report explores how authorities select and prioritise specific objectives/outcomes. This involved authorities balancing the need to meet key equality challenges with considerations around what they could feasibly achieve. These considerations, in turn, were shaped by factors relating to the national context (41% of the sample in the web review mentioned taking national priorities into account) and the sectoral/local context (60% of the web review sample mentioned this).

Most public sector authorities whose websites we reviewed had published their equality objectives/outcomes. Scottish authorities were the leaders in this respect. When assessing the objectives/outcomes that authorities had set, we compared the findings in the three other sectors against health authorities.

When compared with health authorities:

- Authorities in other sectors were less likely to mention occupational segregation.

- Local authorities were more likely to mention: age and gender; pay gaps and employment practices; and other disadvantaged groups not covered by the protected characteristics.

- Police authorities were less likely to mention age and sexual orientation, but more likely to mention employment and promotion practices and sickness absence/staff turnover.

- Education authorities were more likely to mention gender, gender reassignment/transgender, and religion or belief, as well as pay gaps and promotion.

When compared with English authorities, Scottish and Welsh authorities were more likely to:

- Mention each of the protected characteristics and other disadvantaged groups.

- Show that they had drawn on national priorities, quantitative evidence and qualitative consultation.

- Report on progress against their objectives/outcomes.

- Provide a clear narrative about whether or not they had met their objectives/outcomes.

Developing objectives and outcomes

There were two broad types of objectives/outcomes developed by authorities. Foundational objectives/outcomes focused on building the capacity of the authority to address equality challenges through developing its knowledge and infrastructure. In contrast, direct objectives/outcomes focused on directly addressing the identified challenges for staff, users and the wider community. A recurrent pattern was authorities having a mixture of foundational and direct objectives/outcomes.

In developing these objectives, authorities used two broad approaches:

- 'Top-down' approaches, where senior equality leads generated objectives/outcomes without consulting stakeholders. In some cases, they drew on a range of evidence, including organisational and area level information, to gain a sense of the relevant equality challenges. In others, they relied largely on their tacit knowledge of the issues.

- 'Bottom-up' approaches, where objectives/outcomes were co-produced with stakeholders (staff, service users and/or the wider community).

Implementing objectives and outcomes

Although the interviews focused on the setting of objectives/outcomes, interviewees also discussed the importance of accountability, coordination and the effective management of resources.

Accountability

Two main approaches to delivery were identified:

- 'Devolved' delivery, where responsibility for implementing objectives/outcomes was distributed across staff and departments. This approach was used, in particular, in large organisations with complex objectives/outcomes.
- More centralised delivery, where a single person/or group (usually the equality lead/group) was tasked to deliver on objectives/outcomes. This approach was used, in particular, by smaller organisations that had simpler objectives/outcomes and/or did not have the necessary support or organisational structures in place.

Coordination

Four coordinating mechanisms were reported:

- equality leads, who helped motivate, upskill and shape the implementation process
- having organisational buy-in, particularly from senior managers
- sectoral frameworks, which helped achieve organisational buy-in, and
- having tools such as equality impact assessments and equality plans.

Resources

Resource limitations, including a lack of finance and staff time to deliver on objectives/outcomes, were an issue. Some authorities worked with other organisations jointly to develop objectives/outcomes in order to share funding, expertise and responsibilities in the delivery process.

Developing and implementing positive duties

The rapid evidence review identified ways in which positive duties could be drafted, monitored and enforced at a legislative level, focusing on illuminating the key principles and considerations informing good practice. It also covered compliance with the specific duties.

Three good practice points were identified for drafting. These were that duties should be drafted collaboratively with a range of stakeholders; the duty should aim to embed equality within organisations; and the duty should balance flexibility and prescription. Monitoring was most effective when it was done collaboratively, while enforcement worked well when formal legal mechanisms and organisational self-regulation were linked.

Good practice implications

The research identified a number of good practice implications that could help authorities set up and implement their objectives/outcomes or draft, monitor or enforce positive duties.

Setting up and implementing objectives and outcomes

Key good practice approaches for authorities included:

- having a clear and accurate picture of the key equality challenges facing their sector and organisation
- co-producing objectives/outcomes with staff and seeking to understand issues from the perspective of service users and/or the wider community through consultation and evidence
- having equality leads (either individuals or groups) accountable for the objectives/outcomes and for coordinating the work of setting and delivering them, and
- developing creative ways of addressing financial and staffing resource limitations.

Developing and implementing positive duties

Key good practice approaches for authorities included:

- consulting and collaborating with relevant stakeholders
- having a designated equality body with the legal authority and appropriate financial and human resources to monitor compliance

- having an individual accountable for the objectives/outcomes and for coordinating the work of setting and delivering them, and
- ensuring that duties were sufficiently clear and precise to ensure clarity of interpretation and implementation, but also flexible enough to allow them to identify and address key issues.

1 | Introduction

1.1   The context of the study

The Public Sector Equality Duty (PSED) was enacted in section 149 of the Equality Act 2010 and came into force in April 2011. It replaced the three separate public sector equality duties requiring public authorities to have due regard to the need to tackle discrimination and promote equality for race, disability and gender. As well as simplifying the legislation by bringing these separate requirements together, the PSED extended the equality duties to cover gender reassignment, age, sexual orientation, religion or belief and pregnancy and maternity.

The PSED consists of a general duty, which is applicable across Great Britain, supported by different specific duties in England, Scotland and Wales. The specific duties were created through secondary legislation and are intended to help public authorities perform the general duty. Public authorities that must comply with the PSED include:

- government departments and ministers
- the armed forces
- health sector bodies
- local authorities
- the police, fire and rescue authorities, and
- higher and further education institutions and schools.

General duty

The general duty imposed by the PSED requires public authorities to have due regard to the following three matters when exercising their functions:

- eliminating discrimination, harassment and victimisation (including any conduct that is prohibited by the Equality Act 2010)
- advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and

- fostering good relations between people who share a protected characteristic and people who do not share it.

The first of these, 'eliminating discrimination', also applies to the protected characteristic of marriage or civil partnership.

The PSED is designed to encourage authorities to prioritise consideration of its three aims as an integral part of their normal processes of decision-making. Consideration of equality issues should influence the way that authorities act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services; and how they commission and procure from others.

The text of the PSED makes it clear that having 'due regard' to the need to advance equality of opportunity between protected groups and others might mean treating some people more favourably than others, where doing this is allowed by the Equality Act. For example, it might involve taking positive action or making reasonable adjustments to take account of disabilities.

Specific duties

The Equality Act 2010 also gives UK and devolved Government Ministers powers to impose specific duties on public authorities to help them perform the general duty more effectively. The aim of the specific duties is to increase transparency, shifting the focus of public accountability from processes to performance.

Specific duties currently in place across England, Scotland and Wales include:

- publishing information to demonstrate their compliance with the PSED, and
- setting organisational equality objectives (referred to as 'equality outcomes' in Scotland), at least every four years.

The Scottish and Welsh Governments have more extensive sets of specific duties in place to support the general duty. A further difference between the three countries is that while in Scotland and Wales public authorities must report on progress on achieving these objectives/outcomes,[1] in England there is no requirement on public authorities to report on progress. The timescale for setting objectives/outcomes also varies between the three countries.

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[1] In Scotland, public authorities must report on achieving objectives every two years; in Wales, every four years.

1.2   Aims of the study

The Equality and Human Rights Commission ('the Commission') is responsible for assessing compliance with and enforcing the PSED. It can issue compliance notices to public authorities that have failed to comply, and apply for a court order requiring compliance. The PSED can also be enforced by judicial review. This can be requested by the Commission or by any individual or group of people with an interest.

This study was commissioned in August 2017. Its main focus was to examine the effectiveness of the PSED, through exploring how authorities have engaged with the process of setting equality objectives in England and Wales, and outcomes in Scotland, in order to improve equality outcomes and tackle persistent disadvantage. This focus was chosen for several reasons. First, the requirement to set equality objectives/outcomes is a common feature of the specific duties across the three nations. Second, this approach potentially provides a tangible way to measure the progress made by public authorities in achieving their equality objectives/outcomes, which in turn provides an indirect indication of the effectiveness of the general duty. Third, this approach makes it possible to assess the extent to which equality objectives/outcomes reflect the key equality challenges in Great Britain.

The aim of the study was to provide insights into the decision-making process around setting objectives, and to illuminate challenges and identify good practice. More specifically, the study looked at the role of the PSED in driving the equalities agenda within authorities, the extent of objectives/outcomes setting, and a detailed understanding of the rationale and processes of setting equality objectives/outcomes. To a lesser extent, the study also explored how objectives/outcomes were acted on by public authorities, whether this had an impact, and how this impact was monitored and evaluated, if at all. The original intention had been to consider the actions of public authorities in more detail; however, a combination of interviewees agreeing only to short interviews, the time taken to cover the complex issue of objective/outcome setting and interviewees sometimes not having full knowledge of the implementation process (see section 1.4) meant that interviewees were either unable to provide information around this aspect of the process or could do so only in a light touch way. This suggests that research participants were sometimes removed from the implementation process.

The study also built on a range of studies focused on the PSED that the Commission had already carried out. These included an assessment of the specific duty equality objectives/outcomes published by English public authorities, based on a survey of

just over 2,000 authorities (EHRC, 2012); a review which assessed progress in implementation of the PSED in Wales up to 2014 and covered both the general and specific duties (Mitchell *et al.*, 2014); an analysis of the level of awareness and understanding of the Commission's guidance on the PSED (Sykes and Groom, 2016); and an assessment of how far public authorities in Scotland have met their requirements under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (EHRC, 2017).

1.3   Methodology

The study comprised three strands of work: a desk-based rapid evidence review; a web-based review of the objectives/outcomes set by public authorities; and follow-up telephone interviews with public authorities to explore in more detail the rationale and processes underpinning the setting of their objectives/outcomes. The sub-sections below provide an overview of the methods used in each strand, with further details provided in Appendix A.

In discussion with the Commission, it was agreed that the study should focus on public authorities in four sectors: further and higher education; health; local authorities; and the police. The largest group of public authorities, primary and secondary schools, were excluded from the project because it would have been difficult to achieve a diverse range of schools within the allotted time and budget, particularly for the qualitative interviews.

Rapid evidence review

The aim of the rapid evidence review was to identify ways in which positive duties can be drafted, monitored and enforced through legislation, and to draw out lessons that could usefully be applied to the PSED. Search terms were developed to identify key literature, and a search was conducted using academic databases, such as the International Bibliography of the Social Sciences (IBSS) and the Social Sciences Citation Index (SSCI). Additional searches for grey literature were conducted using specific online databases, such as Open SIGLE, as well as selected websites, such as government departments and sector-based organisations, including regulators. A total of 38 sources were identified. Key information from 36 pieces of evidence was summarised using analytical matrices that reflected the study's aims (the other two sources were not relevant).

The web review

The primary aims of the web review were to: (a) assess the extent to which the equality objectives/outcomes of public authorities were accessible to the public; (b) examine the nature of these objectives/outcomes, including whether these reflected key equality challenges in the specific sectors; and (c) assess whether evidence of progress against objectives/outcomes was available. A secondary aim of the review was to provide information that could be used in constructing a diverse sample of authorities to be interviewed in more depth in the final strand of work.

A representative sample of public authority websites across the four sectors and three nations was selected and, in total, the websites of 383 public authorities were reviewed. The review process mirrored the approach adopted previously by the Commission for its analysis of public authorities in England (EHRC, 2012). It involved a three-stage process that took up to one hour per authority website: (a) identifying authority websites through the use of a search engine; (b) locating equality objectives/outcomes for each authority using the search functionality of the website and/or the website site map; and (c) once located, using a structured survey tool to record the type and nature of the objectives/outcomes (see Appendix B), information about how they were set, and whether there were reports on progress made against them.

Qualitative telephone interviews

The final strand of the study involved 39 telephone interviews with senior public authority staff. The aim of this strand was to explore more fully the decision-making and processes used to develop objectives/outcomes and, to a lesser extent, to explore their implementation. The interviewees were employed in senior positions across a range of different areas and functions, such as human resources and specifically designated equality and diversity teams.

A diverse range of public authorities was purposively selected across the four sectors and three nations based on information in the web reviews. Interviews lasted up to an hour, and were carried out using a topic guide (for further information, see Appendix C).

1.4   Study limitations

As with all research, this study has certain limitations. These are outlined according to each stage of the study in Table 1.1.

Table 1.1   Study limitations

Evidence review

- **Coverage**: A rapid evidence review is a much quicker approach than a systematic review, focusing on a few evidence sources and a focused reading of the material. Two implications of this are that: (a) key evidence may not be picked up by the review; and (b) only the key aspects of the reviewed evidence are discussed due to the focused reading of the material.

- **Type of evidence**: Little primary research specifically explored the effectiveness of the PSED and other positive duties. The majority of the evidence consisted of discussion pieces and reviews, which limits the discussion on whether approaches were actually 'observed' to have been effective. The report, however, identifies the key reasons why certain approaches were considered effective.

Web review

- **Sample size and statistical significance**: The relatively small number of authorities in Wales and in the police sector meant that differences between these and other groups needed to be substantial to achieve statistical significance.

- **Coverage of reviews**: Reviewers had to find and assess complex information, which was often presented across a number of web pages for each authority. Time limits were set for the processes of finding equality objectives/outcomes and reports on progress, which means that reviewers might not have located information that was difficult to find. This, however, was seen as mirroring the experience of a member of the public seeking to access information.

Telephone interviews

- **Sample size and method**: The purposive sampling approach ensured that the study captured a diverse set of public authority views and hence provides a good sense of the range of views and experiences across the sectors and the three nations. However, as a qualitative approach was used, the study cannot provide robust information on the prevalence of these experiences and views.

- **Depth and quality of interview coverage**: Three factors affected the depth and quality of interview coverage. First, telephone interviews had to be relatively short (45–60 minutes) in order to accommodate the busy working schedules of senior public authority staff. This meant that although key areas of the guide were covered in depth, some aspects, such as the implementation of the objectives/outcomes, were either not covered across the interviews or covered lightly. Second, the issue of objective/outcome setting was complex and so took much of the interview time to cover. Third, organisational changes and staff turnover sometimes meant that interviewees had limited knowledge of previous rounds of objectives/outcomes, and so could provide only limited insight.

1.5   Report structure and cross-cutting themes

The following chapters set out the findings of the study. Chapter 2 draws primarily on the evidence review to examine how positive duties were developed and implemented by the public authorities. Chapter 3 discusses the extent of authorities' compliance with the specific duties. Chapter 4 focuses on the selection of specific objectives/outcomes and Chapter 5 on the actual process of developing these objectives/outcomes. Chapter 6 discusses how these objectives were implemented and Chapter 7 considers the perceptions of interviewees about the impact of the objectives/outcomes and how this was evaluated.

Cutting across the different parts of the process explored in these chapters, it was apparent that three broad factors influenced public authorities' decision-making. These were: (a) national-level factors that worked across different sectors; (b) sectoral-level factors that were specific to a given sector; and (c) local factors relating to the local area and organisation. These factors often interacted with one

another to influence decision-making. Figure 1.1 provides an overview for each of the factors.

Figure 1.1 Key cross-cutting themes

National factors

- Policy landscape (including PSED)
- Economic climate (including austerity)
- Other national initiatives

Sectoral factors

- Sector-based equality frameworks and standards
- The influence of regulators
- Public opinion shaping policy in the sector

Local factors

- **Organisational factors**
- Resources
- Attitudes towards equality
- Historical precedence
- Organisational structure
- Skills and expertise
- **The profile and needs of the local area**

Each of the following chapters details how these three factors interacted to inform decision-making. Chapter 8 outlines the conclusions from the study and sets out recommendations for further research.

2 | Developing and implementing positive duties: an evidence review

2.1   Introduction

This chapter explores insights from the evidence review as to how positive duties can be drafted, monitored and enforced through legislation. Drafting, monitoring and enforcing are defined in the following ways.

- **Drafting**: Drafting refers to the process of designing the direction, orientation and 'objectives' of a positive duty (that is, the legislation).

- **Monitoring**: Monitoring describes the process of observing whether and how public authorities implement a positive duty. This includes addressing issues around compliance and, importantly, identifying ways in which a positive duty is being implemented, including good practice. Both aspects of monitoring assist effective implementation. Monitoring can be divided into external monitoring and internal monitoring. External monitoring refers to external bodies, such as regulators, inspectorates or civil society organisations that monitor authorities' compliance with the PSED or other positive duties. Internal monitoring involves self-monitoring on the part of the authority itself. The focus of the review is on external monitoring.

- **Enforcing**: Enforcing refers to ensuring that public authorities comply with the general and specific duties once these have been drafted, and monitoring is in place. Enforcement must be seen within a framework, where formal legal mechanisms work together with self-regulation.

The review identified key principles of good practice, as well as the drivers and approaches that inform them. It is important to note that the evidence is characterised as much by debates and disagreements as by consensus. It should also be noted that there was little in the body of evidence that compared different types of positive duties, for example, comparing the PSED with other duties.

2.2   Drafting positive duties

The evidence discussed drafting positive duties in relation to the five key questions below:

- Who should be involved in drafting a duty?
- How central should a duty be to the functioning of public authorities?
- How can a duty be drafted in a way that will aid its implementation?
- Is a harmonised public duty covering a number of protected characteristics desirable?
- To what degree should a duty be prescriptive?

Who should be involved in drafting a duty?

Meaningful engagement and consultation should inform drafting. The evidence suggests that the process of drafting the legislation should involve consulting and engaging a range of groups to help devise key equality principles and inform considerations on how to apply the positive duty. The range of groups suggested included those directly affected by the issues (that is, the protected groups in question), equalities organisations, 'equalities experts' and those who will be involved in the delivery of the duty, such as public authorities and trade unions. Two key drivers underpinned this call for consultation and engagement.

- **To ensure equality, the objectives of the duty are defined broadly through dialogue with key stakeholders** (Dykes, 2012). Bringing together a range of stakeholders helps broaden perspectives (Crowley, 2016; Hosie and Hutton, 2015; Welsh Government, 2016). The drafting of Scotland's National Action Plan for Human Rights (SNAP) exemplified such a collaborative process, as it involved 'those with rights and those with duties to realise them' (Hosie and Hutton, 2015: 152). While this inclusive approach to designing the plan took time, the diversity of perspectives involved ensured a successful implementation period and consensus for action.

- **To establish 'buy-in' of public authorities and others tasked with delivering on the duty**. As O'Cinneide (2003) notes, the involvement of a range of stakeholders can help strengthen authorities' investment around the purpose, value and usefulness of the positive duty. This contrasts with previous anti-discrimination legislation often devoid of input from key stakeholders.

However, despite the recommendation for extensive consultation, Mitchell *et al.* (2014) strike a cautionary note around 'engagement fatigue' in their review of the implementation of the PSED in Wales. They draw attention to engagement being adversely affected when public authorities are repeatedly asked to comment on new policies, and when the process continually relies on the same community leaders (see also Conley and Warren, 2017). In response, they suggest better use of existing information and previous consultations where possible and appropriate.

How central should a duty be to the functioning of public authorities?

A positive duty should require equality to be a core responsibility for public authorities. An equality duty should integrate considerations around equality and good relations into the day-to-day business of public authorities, as indeed the PSED and other previous positive duties, such as the Disability Equality Duty, have sought to do (Pearson *et al.*, 2011a, 2011b; Hegarty and Munck, 2009). The evidence suggests that a statutory requirement to mainstream equality considerations in daily functions is a key driver to promote a culture within public authorities of proactively addressing equality issues as part of their business-as-usual. This stands in contrast to: (a) the 'negative obligation' of just having to comply with anti-discrimination legislation and/or reactively addressing issues once a grievance has been raised and escalated through the judicial system (Conley, 2016; Hepple, 2011; O'Cinneide, 2003); and (b) previous mainstreaming efforts in the public sector that were ineffective due to being voluntary rather than having any legal requirement (O'Cinneide, 2003). However, a key challenge to a duty's ability to do this rests on how well the statutory element of it can be monitored and enforced, as discussed in the following sections.

How can a duty be drafted in a way that will aid its implementation?

The objectives of the duty must be clear and relevant across all public authorities and the activities they undertake. The evidence highlights the importance of a positive duty having clear objectives and terms of reference to ensure clarity of interpretation by public authorities, and to aid implementation. According to O'Cinneide (2003), there are three key aspects to this: (a) the objectives of the legislation must be relevant across the relevant public sector bodies' activities; (b) the general duty must be couched in general terms to provide an overall direction, with supplementary duties outlining specific requirements (as is the case for the PSED) (see also Earl *et al.*, 2010; Jacobs, 2011); and (c) where

multiple protected characteristics are covered, the general duty must speak to common principles of equality. These common principles include recognising (a) people's equal worth as different human beings; (b) the importance of social group differences; (c) mutual respect; and (d) equality of access to decision-making for individuals and groups with protected characteristics (Zappone, 2001).

Is a harmonised public duty covering a number of protected characteristics desirable?

There must be clarity in duty coverage. As Hepple (2011) notes, in effect the Equality Act 2010 replaced nine previous pieces of legislation. A key aim of the PSED, which was established by the act, was to bring together the different equality duties that preceded it (race, disability and gender equality duties). Central to this is the idea that there should be no hierarchy of equality. This integration has been welcomed for harmonising the different duties; for extending the protected characteristics; for enabling a single duty to address the intersectional nature of discrimination more effectively; and for allowing both employment and service delivery within public authorities to be covered by a single duty (Fredman, 2011; Clayton-Hathway, 2013).

However, the evidence review also identifies a number of concerns around a single general duty that integrates previously existing separate duties into one (Clayton-Hathway, 2013; Conley, 2016; Hepple, 2010; O'Cinneide, 2003). These are: (a) concerns around how far a single equality duty can successfully simplify a complex area of law, as well as do justice to the different issues experienced between protected groups (for example between disability and gender) as well as within protected groups (for example between disabled men and women); (b) the omission of some key characteristics in the formulation of protected groups, such as those individuals experiencing poverty (for example the homeless) (Fredman, 2011) and the impact on the 'due regard' public authorities will have for the issues faced by these groups (see Chapter 1); and (c) whether the duty can in practice dissuade public authorities from creating a hierarchy of protected characteristics in their day-to-day functioning. Such a hierarchy is likely to happen if duties are applied more rigorously to some protected groups than to others.

To what degree should a duty be prescriptive?

Prescription and flexibility – achieving a balance. As discussed, a general equality duty must provide public authorities with a clear steer on what is required through clarity in its objectives and remits. However, the evidence indicates that it should also be flexible in allowing public authorities to identify key issues, determine how they will address these, and assess their performance. Indeed, the PSED embodies this light-touch approach insofar as it is not prescriptive in terms of how public authorities should achieve the three aims set out in the general duty, although the specific duties provide further information about this. There are two advantages of a flexible duty as identified by Fredman (2011) and O'Cinneide (2003):

- **Enabling tailored decision-making**. The light-touch approach helps to harness the energy, awareness and knowledge of those within public authorities, who have a grassroots understanding of the equality challenges and possible solutions faced by their organisation. The importance of local decision-making was also raised in the context of other duties, such as bio-diversity duties (Earl, 2010).

- **Not undermining the credibility of the positive duty**. An overly prescriptive approach can run the risk of reducing the requirements of a duty to a 'tick box' exercise. This is because a focus on compliance can inhibit public authorities from thinking more deeply about the equality challenges they face in their own context.

However, despite the literature highlighting the importance of flexibility, caution is also expressed in the body of reviewed evidence. For example, Conley (2016) argues that the specific duties in England are more limiting than the previous duties as there is no equal pay provision or requirement to consult trade unions which are specified by the Equality Act 2006. Furthermore, public authorities are no longer required to undertake equality impact assessments, which are tools to help public authorities to ensure that their policies, practices and decisions are fair and do not inadvertently discriminate against any protected group.[2] Mitchell (2015) reviewed the different PSED models in UK jurisdictions, and argues that there are different levels of prescription across the models, with England having a 'minimal' or flexible approach at one end of the spectrum and Wales having a detailed or prescriptive approach at the other end (see also EHRC, 2014). The study goes on to argue that

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[2] Public bodies have legal duties to eliminate unlawful discrimination, advance equal opportunities and promote good relations between people. An equality impact assessment should consider all three elements and help identify opportunities as well as risks.

some jurisdictions were seen to be too prescriptive and others too open to interpretation. For instance, concerns about overly prescriptive duties related to the fact that they can limit public authorities' autonomy, a view expressed by Welsh authorities about the prescribed process of engagement. Authorities wanted more control over engagement because of 'engagement fatigue' among some groups with protected characteristics. In contrast, the English model was seen by some as too 'minimal' because requirements such as the specific duty to publish one or more objectives left it open to interpretation how many objectives to include. One suggestion that emerged from Mitchell's study was that prescription in some areas of the duty should be offset by flexibility in other areas.

A tailored and proportional approach should be possible. Mitchell (2015) argues that an important consideration facing public authorities in deciding on a PSED approach is the level of resources they have available to implement the duty. In this respect, their research suggests considering the importance of proportionality when deciding on a PSED model rather than adopting a one-size-fits-all approach when drafting the duty.

2.3   Monitoring

The following key questions emerged in the reviewed literature around monitoring:

- Who is responsible for monitoring the implementation of positive duties?
- What is the importance of equality bodies for monitoring?
- What can aid monitoring?

Who is responsible for monitoring the implementation of positive duties?

Responsibilities need to be shared. Across the literature, there is an understanding that effective monitoring is a collaborative endeavour (Brett, 2013; Earl *et al.,* 2010; Equality and Rights Alliance, 2015; Government Equalities Office (GEO), 2013; Hosie and Hutton, 2015; Mitchell, 2015). In practical terms, such a collaborative approach might include an executive non-departmental body (for example the Commission) at the helm, supported by others ranging from regulators, inspectorates (for example Ofsted) and affected groups with a stake in effective monitoring and implementation of the duty (for example lesbian, gay, bisexual and transgender groups).

Shared responsibilities are thought to be important for two reasons. First, due to contextually specific differences, local monitoring bodies might, at times, be better placed to respond to emerging issues than centralised bodies (Earl *et al.,* 2010: 24). A case in point is the example of Brighton and Hove City Council being tasked with monitoring local schools' compliance with the duty (Clayton-Hathway, 2013: 10). Second, the expertise belonging to sector-based regulators offers a vital resource to be harnessed by independent equality bodies (Mitchell, 2015: 41–42). As Clayton-Hathway illustrates (cited in Mitchell, 2015: 42), because of their knowledge of the sector, school inspectorates in Ireland are well-placed to determine their specific inspection framework in collaboration with the Irish Human Rights and Equality Commission (IHREC).

What is the importance of equality bodies for monitoring?

Leadership and authority is required. Within the literature, there is widespread consensus about the necessity of a clearly defined external monitoring body imbued with legal authority. The legal power to monitor and enforce has been given to the Commission in England, Scotland and Wales (Conley and Warren, 2017; EHRC, 2012; 2016c; GEO, 2011); to the Equality Commission for Northern Ireland (ECNI) in Northern Ireland; and to the IHREC in Ireland (Mitchell, 2015). Primary research with senior equality professionals in the UK (Mitchell, 2015: 41) and members of European equality bodies (Crowley, 2016: 45) illustrate the pivotal role that equality bodies play in monitoring: the implementation of the duty; the duty's impact; and the extent to which monitoring (internal and external) is done effectively. Crowley (2016: 25) cites the Equality Commission for Northern Ireland (ECNI) as an example of good practice. The ECNI contacts every employer annually to ensure the monitoring duty is complied with and derives its authority from its power to prosecute them in court and issue directions to non-compliant employers. However, this approach is facilitated by the small size of Northern Ireland – it is impractical to adopt this approach in a country the size of England with 40,000 public authorities.

Two key challenges have arisen for equality bodies that can limit their ability to fulfil their monitoring duties. First, the impact of austerity and the resulting scarcity of human and financial resources significantly complicate effective sector-wide monitoring (Brett, 2013; O'Brien, 2013). The evidence indicates that this is affecting equality bodies across the UK (Brett, 2013; Conley and Wright, 2015) and Europe (Crowley, 2016). Second, evidence suggests that the Commission's sector-wide monitoring is met with a degree of scepticism among equality professionals in well-performing public authorities. Equality professionals in Welsh authorities, for

instance, sensed that external monitoring was at times about identifying under-compliance rather than looking for instances of good practice (Mitchell *et al.*, 2014: 12, 46). However, because monitoring is more difficult when applied to all public authorities, the focus on under-compliance becomes a pragmatic way of dealing with the practical challenge of monitoring across all sectors.

What can aid monitoring?

Monitoring can be targeted rather than comprehensive. Mitchell cites the Commission in Wales as a good example of an equality body monitoring in a targeted way. Rather than monitoring the entire duty across all sectors, the Commission in Wales prioritised 'monitoring against specific shared objectives among a selection of sectors each year and changing this the following year' (Mitchell, 2015: 43). Focusing on a single aspect of the duty therefore provided a pragmatic solution to existing constraints in the context of austerity.

One key challenge that the Commission faces when monitoring different sectors pertains to organisational differences. Equality practitioners have argued that the Commission – when monitoring public authorities' compliance – needs to consider differences across organisations' capacity to have a dedicated equality person. This is because 'those smaller organisations without a dedicated role may appear to be progressing less because of less capacity to stay at pace with larger bodies' (Mitchell *et al.,* 2014: 38).

Combining hard monitoring with support. The combination of a clear and rigorous framework, coupled with supportive guidance, appears particularly effective. The Swedish Ombudsman typifies this level of support by recommending a monitoring framework centred on an 'improvement' approach (Hosie and Hutton, 2015: 154).

Being outcome-focused and monitoring regularly. Regular and ongoing monitoring with a focus on the outcomes can meet what Fredman identifies as a key ingredient of a proactive approach to equality; that is, to 'assess whether a proactive measure is effective, to review its progress, and to readjust it if necessary' (cited in Crowley, 2016: 47). The recommendation from the Swedish Ombudsman, who is seen as being among the most advanced in relation to monitoring (Hosie and Hutton, 2015), is instructive. The Ombudsman advocates a monitoring framework that allows for: (a) detecting and testing actions and (b) reviewing progress in light of long term outcomes. This makes it possible to make any necessary adjustments to achieve long-term systemic change (see also Jacobs, 2011: 13).

2.4   Enforcement

Given the interrelationship between monitoring and enforcement, the reviewed evidence posed similar sorts of questions around enforcing as it did for monitoring, including:

- Who is responsible for enforcing the implementation of positive duties?
- What should enforcement entail?
- What can aid enforcement?

Who is responsible for enforcing the implementation of positive duties?

Enforcement requires both strong leadership and a collaborative effort. As with monitoring, the evidence points to the importance of having an independent enforcement agency that provides clear leadership and is imbued with authority to spearhead the enforcement process. Hepple (2011: 332–33) underlines the need for the regulatory body to be independent so as to maintain a 'pluralistic democracy in which no one power can dominate the others'. In England, Scotland and Wales, the Commission has been tasked with the responsibility for monitoring and enforcing the equality duty, with individuals still having access to a range of enforcement tools such as judicial reviews (Conley and Wright, 2015; Fredman, 2011; GEO, 2011, 2013; Manfredi *et al.*, 2017; Smith and Allen, 2012).

However, to be effective, it is important for equality commissions to receive the required financial support, and authority from government to fulfil their compliance role (Hegarty and Munck, 2009). For example, Conley and Wright (2015) express concerns that UK Government funding cuts limit the Commission's ability to sustain compliance proceedings against public authorities, with the result that the main enforcement activity now falls to judicial review proceedings undertaken by individuals. This is relevant because under-compliance with the PSED can be attributed in part to a perception among authorities that the duty will not be sufficiently enforced (Mitchell*,* 2015). Similarly, in the Australian context, the Human Rights Law Centre notes that financial resources are needed for the Australian Human Rights Commission to carry out its statutory duties. The authority accorded to the Australian Human Rights Commission by the government is further weakened, given that its government is not obliged to act on its recommendations (Human Rights Law Centre, 2011).

The evidence also indicates that enforcement works best when it is a collaborative effort, in which a range of partners, who bring scrutiny and pressure to bear on public

authorities, are involved (JUSTICE, 2013). These include external pressure from involved interested groups, such as trade unions, reflecting the recommendations of the Hepple Report (2000) about the importance of reflexive and responsive regulation where formal legal mechanisms work together with self-regulation (Hegarty and Munck, 2009). In this model, regulation involves what Hepple (2011) terms three interlocking mechanisms: (a) internal scrutiny on the part of the organisation; (b) the involvement of relevant interest groups; and (c) an enforcement agency such as the Commission. In this enforcement pyramid, the enforcement agency sits above the organisation and interest groups as a last resort should self-regulation and engagement not result in compliance.

What should enforcement entail?

Enforcement is about facilitating compliance and applying legal pressure. The evidence review indicated that there were two sides to enforcement: one was to compel 'unwilling' authorities to abide by a duty, and the other was to support those who were willing but lacked the knowledge and understanding to do so. This involved a less adversarial approach focused around stimulating self-regulation. Supportive elements cited by the evidence included:

- **Having a code of practice in place**. The provision of clear and detailed information about requirements under a duty is important in aiding compliance (Arthur *et al.*, 2013; Brett, 2013). In other contexts, Jacobs (2011) also underlined the importance of providing clear guidance documents to help non-specialists understand a duty; in their report, this referred to supporting non-environmental specialists to grasp a biodiversity action plan.

- **Building the capacity of public authorities to comply with a positive duty**. This includes raising awareness about a positive duty; providing examples of how it has been implemented by public authorities; and general training (Arthur *et al.,* 2013). For example, Mitchell *et al.* (2014) highlight the importance of providing good practice case study examples of implementation in order to help public authorities understand how to implement the duty.

- **Network of peer support**. This includes smaller authorities working with similar authorities on implementing positive duties (Conley and Warren, 2017). To facilitate this, a relevant professional body (for example Higher Education Equal Opportunities Network) could take on a coordinating role.

- **Regulators linking compliance to performance**. Regulators such as Ofsted provide good practice examples of driving awareness of compliance with the

duty through integrating equality and diversity considerations within their regulatory framework (GEO, 2013).

A key driver underpinning the supportive elements was to clarify the requirements of a duty in order to: a) promote an appropriate level of compliance and b) ensure consistency in compliance across public authorities (Arthur *et al.*, 2013). In this regard, Mitchell *et al.* (2014, 2015) compared the implementation of the Welsh duties favourably to the English duties. Unlike Welsh authorities subject to Welsh duties, the lack of clarity surrounding the English duties meant that English authorities either over-complied or under-complied, thereby using up valuable resources through over-compliance, or not achieving the aims of the duty due to under-compliance. In contrast, the Welsh specific duties were viewed positively because they specified the processes needed to achieve improved outcomes in human rights and equality, such as how to include equality considerations in procurement processes.

What can aid enforcement?

Clarity in the terms of a duty for legal review. Where judicial review is necessary to challenge decisions by public authorities, there needs to be clarity in the terms of the duty to enable the courts accurately and consistently to gauge whether a breach of the duty has occurred. Fredman (2011) argues that there are two aspects of the PSED which aid the judicial process to further equality outcomes. First, it clearly focuses on the 'results' of actions rather 'intent'. This allows the courts to focus on whether discrimination was objectively experienced, rather than making sense of the ambiguous territory of whether a public authority intended this to be the case. Second, disadvantaged groups do not have to demonstrate what aspect of a policy or practice led to the discrimination they experienced. They only have to demonstrate that they experienced this as a result of the practice or policy.

However, a key concern in the evidence hinged around the term 'due regard'. One view was that the term was not helpful as it was too broad and open to interpretation (Fredman, 2012). Key aspects of this argument relate to the reflexive and responsive nature of enforcement that the term embodies, including: (a) the term does not specify a course of action and is not prescriptive about what public authorities cannot do (Darwin, 2016), and (b) it allows public authorities to weigh equality considerations equally alongside other relevant ('proportionate') matters, such as resources. As the GEO (2013) notes, the openness in interpretation and the notion of proportionality embedded in the term 'due regard' can lead to public authorities adopting a risk averse attitude towards setting up and meeting equality objectives.

Fredman (2014) provides further interesting insight into how 'due regard' is interpreted by the courts in relation to the issue of 'disparate' impact, or where supposedly 'neutral' policies and practices have a disproportionate negative impact on certain protected characteristics. Although citing some promising cases where the term 'due regard' has been used by courts to address disparate impact which has occurred over a period of time, she draws attention to the limitations of the term in not specifying when public authorities need to act on their due regard.

2.5   Summary and key learning

The chapter identified the ways in which positive duties can be drafted, monitored and enforced at a legislative level, focusing on key principles and considerations of good practice, as well as the drivers and debates informing these principles.

The key questions framing the discussion on drafting centred on: (a) who should be involved in drafting a duty, (b) the centrality of a duty to the functioning of public authorities, (c) the way a duty can be drafted to aid its implementation, (d) whether a harmonised public duty covering a number of protected characteristics is desirable; and (e) the degree to which a duty needs to be prescriptive. The key areas of learning include:

- **The drafting of duties should be a collaborative venture**. This should bring together those affected by equality issues, those that campaign for such issues, those tasked with delivering on them and equality experts, in order to broaden thinking and consolidate buy-in.

- **The drafting of the duty should seek to mainstream equality**. The statutory requirement to mainstream equality necessitates that the duty integrates equality as an essential part of the day-to-day decision-making process within organisations, rather than an adjunct consideration.

- **The duty should balance flexibility with prescription**. The broad requirements should be specified, but those at grassroots levels should be allowed to identify the equality challenges and solutions within their organisation and sector.

The discussion on monitoring focused on: (a) the responsibility for monitoring; (b) the importance of equality bodies for monitoring; and (c) what can aid monitoring and enforcement. The key areas of learning for monitoring include:

- **A collaborative endeavour towards monitoring is required**. This involves linking 'internal' or 'local' monitoring with other bodies such as sector-specific

regulators and independent equality bodies. Investing adequate human and financial resources into central equality bodies is vital.

- **Monitoring should be ongoing to be effective**. Regular and ongoing monitoring, with a focus on monitoring outcomes of the duties, ensures that progress is reviewed and that public authorities are responsive and flexible enough to making changes to achieve desired outcomes.

- **Making monitoring targeted and sector-specific**. By identifying and prioritising certain areas within different sectors, monitoring becomes targeted. Focusing on certain areas within some sectors therefore provides a pragmatic solution to existing financial constraints for monitoring bodies.

The key questions on enforcing were similar to monitoring and included: (a) the responsibility for enforcing; (b) what enforcement should entail; and (c) what can aid enforcement. The key areas of learning were that:

- **Enforcement, like monitoring, is a collaborative venture**. Involving a mixture of self-regulation and the involvement of a range of partners helps promote compliance.

- **However, it needs an independent enforcement agency**. This body is required to oversee, coordinate and actively promote compliance. The agency needs to be visible and appropriately resourced in order to undertake its duties effectively.

- **Enforcement needs to employ a 'carrot' and 'stick' approach**: It is important to support 'willing' public authorities with information, guidance and frequent dialogue and to have recourse to judicial reviews with 'non-willing' authorities.

Clarity of key terms is needed in order to help the judicial review process: The judicial review process works well when there is clarity around the application of terms. However, this suggestion should be seen within the context of a positive duty, where ownership is encouraged by allowing public authorities to identify and resolve issues non-prescriptively.

3 | Compliance with the specific duties

3.1   Introduction

Despite jurisdictional differences regarding the specific duties of the PSED, the requirement to set up equality objectives/outcomes applies equally to England, Scotland and Wales. It is a key way in which the PSED seeks to improve equality and ensure compliance with the duty. This chapter discusses the role that the statutory nature of the PSED plays, alongside other factors, in encouraging authorities to comply with the PSED. Compliance, in this context, is defined as setting up accessible equality objectives/outcomes.

The chapter draws primarily on the qualitative interview data, but also includes quantitative findings from the web review. Since all authorities in the interview sample had set equality objectives/outcomes, the chapter cannot comment extensively on reasons for non-compliance. Non-compliance is therefore defined as authorities' failure to make objectives/outcomes accessible to the public within a time limit.

3.2   Extent of compliance – publishing objectives/outcomes

Alongside setting equality objectives/outcomes, a key part of complying with the PSED is to ensure that equality objectives/outcomes and other equality-related information are publicly accessible. The web review parameters defined accessibility in terms of whether objectives/outcomes could be found by a trained reviewer within 15 minutes.

The web review found that objectives/outcomes were accessible for most public authorities, but that equality objectives/outcomes could not be found within 15 minutes for 9% of the 383 authorities whose websites were reviewed (Table 3.1).

Table 3.1   Accessibility of equality objectives/outcomes, by sector

	Health %	Local authority %	Police %	Further/Higher Education %	All %
No equality objectives found	7	6	17	11	9
Base*	137	108	24	114	383
Some equality objectives undated	3	6	5	4	4
Base**	127	102	20	101	350

Source: PSED website review, 2017

Notes: Base* is all authority websites reviewed.

Base** is all authority websites where equality objectives/outcomes were found.

No weighting was used.

The reference group is 'health authorities'. Significance testing compares the other three categories with the reference group, and is indicated as follows:* significant difference at 95% level or above.

Authorities for whom equality objectives/outcomes were not accessible included 3% of the sample of Scottish authorities, 11% of the sample of English authorities, and 8% of the sample of Welsh authorities (Table 3.2). As Table 3.2 shows, Scottish authorities were therefore significantly more likely to have accessible objectives/outcomes than English authorities.[3] Overall, 4% of the sample of public authorities had not provided clear dates to show which time period the objectives/outcomes referred to. This proportion did not vary significantly between sectors or countries.

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[3] All statistics referred to in the text of this report achieved statistical significance at the 95% level or above.

Table 3.2   Accessibility of equality objectives/outcomes, by country

	England %	Scotland %	Wales %	All %
No equality objectives found	11	3*	8	9
Base*	230	99	53	382
Some equality objectives undated	5	4	0	4
Base**	205	96	49	350

Source: PSED website review, 2017

Notes: Base* is all authority websites reviewed.

Base** is all authority websites where equality objectives/outcomes were found.

No weighting was used.

The reference group is 'authorities in England'. Significance testing compares the other two categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

Not all authorities involved in the interviews had accessible equality objectives/outcomes on their websites, even though they had complied with the duty of setting equality objectives/outcomes. The stated reasons that objectives/outcomes were not accessible included that: (a) website has been updated; (b) previous objectives/outcomes had been removed during the process of the authority setting new ones; and (c) objectives/outcomes had been integrated into the overall policy framework and therefore had been placed in a different document.

3.3   The role of the PSED

The role of the PSED as a motivating factor to set up equality objectives/outcomes was highlighted by all interviewees involved in setting them. In some local authorities, the PSED played a primary role in encouraging authorities to set up equality objectives/outcomes. These authorities were responding directly to the legal requirement. This was reflected in one health authority's view, that following the introduction of the legislation, '… there wasn't a driver in the organisation … to have an equality objective, other than that's what the legislation said you had to have.' (Health authority)

Authorities where the PSED was an important, but not the only, driver also cited the ethical imperative as an additional motivation for setting equality objectives/outcomes. This was a recurring theme across the interviews with

participants from different sectors and countries. As one interviewee from a police authority acknowledged:

> …doing something just because it says we've got to in law is … not the right way to go about doing something … [W]e should do things because it's the right thing to do.' (Police authority)

While interviewees were conscious of not citing legislation as the only driver, they acknowledged its central role in getting their authority to comply. The legislative requirement was considered beneficial as a way to 'focus people's minds' (Health authority): it allowed those in equality roles to push for setting equality objectives/outcomes and achieve wider organisational buy-in around compliance. One health authority interviewee noted that:

> [T]he legal bits of it was useful to hang the equalities agenda's hat on … achieving buy-in from various parts of the organisation who might not necessarily think about the equalities agenda.' (Health authority)

Alongside the legislation itself, compliance was also driven by the function and perception of the Commission, given its role as the body tasked with monitoring and enforcing compliance. Interviewees commented that:

> The Equality Act was my stick to use to get this thing understood by governors and exec and senior managers … the … legislation and the push from the EHRC … was a really useful kind of ally to me to drive this thing. (Education authority)

> If you don't publish them, you don't comply, then you get pulled up on it, don't you? You get your … letter from the Equality [and] Human Rights Commission to say that you're not compliant.' (Local authority)

In this context, the Commission's role needs to be considered with a view to its capacity to enforce against non-compliant authorities. For public authorities, the notion of facing a formal assessment and/or a compliance notice which can be enforced through the courts and the ensuing reputational damage incentivised compliance to set up objectives/outcomes in accordance with the duty. One local authority interviewee noted that:

> [Y]ou don't want to be sort of highlighted as not working within legislation. I think also in terms of should you ever be taken to a judicial review, the fact that we're not working within legislative [requirements]… wouldn't look too good on you. (Local authority)

However, another interviewee felt the fact that the Commission only rarely used its enforcement powers to enforce the PSED contributed to non-compliance. It was argued that this was in part due to the fact that the Commission had had its powers to act reduced. However, this was based on the interviewee's perception and may not be accurate:

> [T]he equality and rights commission … it's lost … a lot of teeth, a lot of power … [Y]ou've got the Equality Duty but actually, where is the enforcement on this … [T]hey don't really seem to be doing that and that's why … the Equality Act is there but that's not the driver … the Equality Duty isn't the driver, the compliance isn't the driver. (Police authority)

There were no noticeable sectoral or country-specific differences among authorities in which the PSED played a primary role. However, two common characteristics existed among authorities that identified the PSED as the only or the main driver: (a) an absent or inconsistent organisational culture around equality; (b) a lack, or inconsistent use, of sectoral equality frameworks that could facilitate compliance.

3.4   Other drivers for compliance

Sectoral factors

Sectoral factors driving compliance included sectoral equality frameworks and the sectoral regulator, each of which are discussed in turn below.

Sectoral frameworks: Authorities within the health sector and education sector cited sectoral frameworks (see Table 3.3) as key drivers for complying with the PSED. Sector-specific equality frameworks set out standards or levels of performance, and can be either mandatory or voluntary.

According to interviewees, both mandatory and voluntary sectoral equality frameworks can promote an organisational culture of equality and diversity. This view was expressed in relation to mandatory duties in the health sector (Workforce Race Equality Standard (WRES), Equality Delivery System 2 (EDS2)) and voluntary charters in education (Athena SWAN Charter, Race Equality Charter). For instance, health authorities described equality as being 'a cornerstone of how the NHS works' (Health authority) or part of the NHS's 'vision' (Health authority) due to the rolling out of equality frameworks. Similarly, one university saw Athena SWAN as 'a really useful tool to help to drive and move the university forward in a structured way' (Education authority) and embed equality into the organisation.

Compliance with the different sectoral requirements also exists because of the financial implications of non-compliance. For instance, non-compliance with sectoral frameworks, such as the EDS2, was regarded as '… the difference between us … going into special measures [and staying out of special measures]' (Health authority). Correspondingly, a university remarked that research funding was contingent on receiving the Athena SWAN Bronze Award, which in turn required equality objectives/outcomes.

Table 3.3   Sectoral framework/charters

Sector	Framework/Charter
Health	• Equality Delivery System 2 • NHS Workforce Race Equality Standard • Accessible Information Standard • Workforce Disability Equality Standard
Police	• Equality Improvement Model (EIM) • Framework for Implementation
Further education/ higher education	• Athena SWAN Charter (HE) • Race Equality Charter Mark (HE) • Equality Framework Further Education (FE)
Local authorities	• Equality Framework Further Education (FE) • The Social Housing Equality Framework (SHEF)
Other (across sectors)	• Disability Standard • Stonewall Workplace Equality Index

The influence of the sectoral regulator: A key driver for setting equality objectives/outcomes is accountability to sectoral regulators. The role of the regulator in driving compliance with the PSED was particularly noticeable in the health and education sector and, to a lesser extent, within local authorities. An education authority identified annual reporting to the Higher Education Funding Council for England (HEFCE), combined with the prospect of two inspections from UK regulators – Ofsted and the Quality Assurance Agency for Higher Education (QAA) – as a key reason for setting objectives/outcomes. Other interviewees linked the driving role of regulators to their reputation and competitiveness. One noted that:

> This health trust has to prove they are doing work around equality and want to get a good rating – we're an organisation that wants to improve and we want to get a good CQC rating … [I]f we don't then … there's various … implications on us as a trust … [S]o our board wants to be seen as … an excellent organisation. (Health authority)

The rating from the regulator was therefore perceived as instrumental to improving the reputation and competitiveness of the organisation. This ties in with the 'business case' as another reason for setting objectives/outcomes.

The business case

The business case for setting equality objectives/outcomes was made in relation to three overlapping areas, and was commonly invoked by health and police authorities:

- **Recruitment**: Having specific equality objectives/outcomes around a diverse and inclusive workforce was regarded as facilitating the process of tapping into a wider pool of potential applicants and therefore increasing as well as retaining a skilled workforce. As one interviewee put it: '[it means] you are fishing from … the biggest pond that you can, because everybody is demonstrably supported and welcomed' (Health authority). Similarly, a view held by police authorities was that recruiting a diverse police force representative of the community increased: (a) police legitimacy and (b) improved working relationships (for example sharing of intelligence) with the public due to increased confidence.

- **Bidding**: Having equality objectives/outcomes was an important consideration for those authorities which were heavily reliant on bidding for contracts. This applied particularly to the health sector, where complying with the PSED through setting equality objectives was key to successful bids: '[A]ll of our contracts that we bid for … will ask us if we're meeting the requirements for the Public Sector Equality Duty and how we're doing that so it's important for us.' (Health authority).

- **Service delivery**: Setting up equality objectives/outcomes was regarded as aiding better service delivery, particularly in relation to serving the community. This emphasis was common among police forces, for whom equality objectives/outcomes were a tool to: (a) streamline the different equality work within the organisation and (b) increase public confidence in policing through

setting specific, community-oriented equality objectives/outcomes (see Chapter 4).

3.5   Summary and key learning

This chapter discussed the role that the legal requirement of the PSED played, in addition to other factors, in encouraging authorities to comply with the PSED, in this case through setting equality objectives/outcomes.

Public authorities that cited the PSED as the only, or the main, driver did so for two reasons. First, this was due to the 'force' of the legislation itself, and the ability to achieve wider organisational buy-in. Second, there was potential reputational harm from non-compliance. In cases where the PSED played a less central role in driving compliance, this was as a result of other sectoral and organisational drivers. These included an already established culture of complying with equality frameworks in health and education; the role of the regulator in requiring compliance with the PSED; and a business case, which links compliance with a more skilled workforce, a financially more viable organisation and better service delivery.

Two key points emerge from the findings:

- **The statutory duty is a driver but not a guarantor of compliance**. The legal duty to set equality objectives/outcomes is a key factor in authorities doing so, but needs to be accompanied by an equality body and regulator in place to monitor and enforce compliance.

- **Contextual factors influence why authorities comply**. The PSED does not exist in a vacuum when implemented within authorities. An organisational culture of compliance around equality and diversity, due to adherence to sectoral frameworks and concerns around financial viability, significantly shapes decisions around compliance beyond the duty itself.

4 | The selection of specific objectives or outcomes

4.1   Introduction

Having specific equality objectives/outcomes against which progress could be measured was a key aspect of the specific duty across the three nations, as discussed in the introduction. This chapter provides insights into how public authorities decided on which specific objectives/outcomes to select and the drivers behind this decision-making, drawing on largely interview data. It then describes the types of objectives/outcomes set, drawing on the web review and, to a lesser extent, the qualitative interviews.

4.2   Selecting **specific objectives/outcomes: rationale**

The decision to select specific objectives/outcomes was complex. Decision-making involved authorities balancing equality considerations that needed prioritising within their sector or organisation, with feasibility concerns. These considerations, in turn, were shaped by national and sectoral influences, the local context and the learning from setting up objectives/outcomes in previous rounds.

National and sectoral influences

There were three key influencers at the national and sectoral level: (a) national and sector-specific information on equalities challenges; (b) sectoral equality frameworks; and (c) learning from the objectives/outcomes developed by organisations in the same or other sectors.

Interviewees reported drawing on both formal and informal sources of information to understand national and sector-specific challenges. These included national reports, such as *Is Britain Fairer?* (EHRC, 2015a) and its equivalent documents for Scotland

(EHRC, 2016a) and Wales (EHRC, 2015b), as well as reports published by sector-specific bodies, such as the Higher Education Funding Authority.

Informally, interviewees also had a sense of the issues through an understanding of the wider public opinion on issues facing the sector. For example, a police authority developed objectives/outcomes around hate crimes based on the topicality of the issue:

> We know that the volume of people [experiencing hate crimes] … [is] actually really small, but we also recognise that there is a public outcry around those areas [different types of hate crimes] and that hate in all its manifestations is something that we can't ignore and we shouldn't ignore … so despite the fact that it's actually affecting a small number of people, it's deserving to be included into the objectives simply because of the topicality of the incidence. (Police authority)

The web review provides further insight into the extent to which public authorities drew on national and sectoral/local priorities. Overall, 41% of authorities mentioned national priorities in the narrative around setting equality objectives/outcomes, and 60% mentioned sectoral/local priorities. There were no differences between sectors in terms of the types of priorities mentioned, although police and local authorities were less likely than health authorities to draw on any of the sources of information looked at in the web review (Table 4.1).

Table 4.1   Information used in setting equality objectives/outcomes, by sector

	Health %	Local authority %	Police %	Further/Higher Education %	All %
National priorities*	41	36	32	45	41
Sectoral/local priorities	65	57	47	59	60
Quantitative evidence	49	48	42	47	48
Consultation/engagement	59	61	53	62	60
Any of these sources	85	72*	58*	79	78
Base	123	96	19	97	335

Source: PSED website review, 2017

Notes: Base is all authority websites with dated equality objectives/outcomes. No weighting was used. The reference group is 'health authorities'. Significance testing compares the other three categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.
  *Examples of national priorities were documents such as *Is Britain Fairer?* (EHRC, 2015a).

Scottish and Welsh authorities were more likely than English ones to mention national priorities (49% and 59% respectively, compared with 32% in England). Scottish authorities were also more likely than English ones to mention sectoral/local priorities (75%, compared with 54%) (Table 4.2).

Table 4.2   Information used in setting equality objectives/outcomes, by country

	England %	Scotland %	Wales %	All %
National priorities*	32	49*	59*	41
Sectoral/local priorities	54	75*	55	60
Quantitative evidence	37	65*	59*	48
Consultation/engagement	44	78*	90*	60
Any of these sources	68	90*	96*	78
Base	194	92	49	335

Source: PSED website review, 2017

Notes: Base is all authority websites where dated equality objectives/outcomes were found.
No weighting was used.
The reference group is 'authorities in England'. Significance testing compares the other two categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.
*Examples of national priorities were documents such as *Is Britain Fairer?* (EHRC, 2015a).

The web review found that authorities also drew on the duties in a more direct way by referring to the actual text of the duties in formulating their objectives/outcomes. The web review results showed that 92% of authorities referred to 'advancing equal opportunity' within the text of their specific equality objectives/outcomes, whereas only around two-thirds specifically referred to 'eliminating discrimination' (66%) or 'fostering good relations' (70%). This pattern was similar across the sectors (Table 4.3).

Table 4.3   Reference to general aims in equality objectives/outcomes, by sector

	Health %	Local authority %	Police %	Further/Higher Education %	All %
Eliminating discrimination	60	71	79	67	66
Advancing equal opportunities	88	92	95	96*	92
Fostering good relations	67	69	68	74	70
Base	123	96	19	97	335

Source: PSED website review, 2017

Notes: Base is all authority websites with dated equality objectives/outcomes.

No weighting was used.

The reference group is 'health authorities'. Significance testing compares the other three categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

Scottish and Welsh authorities were more likely than English ones to make specific reference to the general aims in the drafting of their own objectives/outcomes (for example, 86% of Scottish and 76% of Welsh authorities referred to eliminating discrimination compared with 55% of English authorities) (Table 4.4).

Table 4.4   Reference to general aims in equality objectives/outcomes, by country

	England %	Scotland %	Wales %	All %
Eliminating discrimination	55	86*	76*	66
Advancing equal opportunities	87	99*	96	92
Fostering good relations	59	86*	80*	70
Base	194	92	49	335

Source: PSED website review, 2017

Notes: Base is all authority websites where dated equality objectives/outcomes were found.

No weighting was used.

The reference group is 'authorities in England'. Significance testing compares the other two categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

The sectoral equality frameworks, mentioned in Chapter 3, were instrumental in shaping equality objectives/outcomes in a number of ways. In sectors where frameworks were voluntary (and so did not have to be adhered to), interviewees reported drawing on them as a 'springboard' to help them gain a sense of the key areas and types of objectives/outcomes they should be focusing on. Authorities that already had specific ideas about their equality objectives/outcomes sometimes referred to frameworks for reassurance that these were reflected in wider sectoral priorities. Where frameworks were compulsory, they also played a more prescriptive role in fixing the types of objectives/outcomes that authorities developed. Authorities also sometimes used frameworks as a tool to meet both sectoral obligations and the requirements of the PSED. They did this by drawing on frameworks as a way to help them focus on the types of objectives/outcomes they should also be developing for the PSED and they formulated objectives/outcomes that spoke to both the needs of their framework and their PSED, rather than devise separate sets of objectives/outcomes for both. This was particularly the case within the health sector, which is regulated by a number of key equality frameworks.

Although there was the view that frameworks were helpful, another view was that they sometimes imposed national priorities that did not reflect local equality challenges and in this way limited the relevance of specific objectives/outcomes. For example, some frameworks directed attention to a specific protected characteristic in a workforce's composition, which interviewees felt did not reflect the issues facing their organisation. Frameworks were also seen to increase the organisation's administrative burden, particularly when a sector had to adhere to a number of equality frameworks in addition to the PSED (see also Chapter 6). One interviewee commented:

> … they [frameworks] divert our resources away from one particular priority to another because that's what the national mandated requirements say. (Health authority)

Finally, interviewees reported learning from other organisations in their sector in order to develop their objectives/outcomes. This involved looking at the objectives/outcomes and equality plans set by other authorities, and attending sector-specific equality meetings to discuss priority areas. This helped to shape their objectives/outcomes in the same way as the guidance provided by frameworks, namely by giving a sense of the key priorities in their sector and reassurances about whether their objectives/outcomes broadly tallied with what other organisations were doing.

Authorities in one sector also developed objectives/outcomes in collaboration with those in other sectors. For example, if one sector had greater experience of engagement with a particular protected characteristic group, then others would seek to learn from the approach taken by organisations in that sector.

The local context

The development of objectives/outcomes also took account of the local area and the specific organisational context of the public authority. In both cases, authorities reported developing objectives/outcomes based on the awareness of the demographic profile and specific equalities issues facing the area and organisation. This provided the 'situational knowledge' they needed to make informed decisions. Although one approach was to draw exclusively on an equality lead's tacit ('soft') knowledge of issues, the importance of using systematic evidence to provide a more accurate and clearer understanding of the equality challenges at a local context was repeatedly emphasised. One interviewee commented:

> I think the key thing was to go back to the data, and have a look at the data, and make sure what we were doing was evidence-based … I think it really was about … we've got to collect this data … our objective is to sort out … what the issues (are). There's no point doing anything unless it is, you know, evidence-based, really. (Education authority)

As with sectoral information, the information used at a local level could be both formal and informal, and includes some of the equality data required to be published under the specific duty, as outlined in Table 4.5.

Table 4.5   Situational knowledge: types of information used

Local context	Formal information	Informal information
Both area and organisation	-	**Talking to experts** – on specific issues (e.g. hate crimes) or equality issues (e.g. LGBT support organisations).
Area	**Formal consultations with the wider community outside of immediate services users**. This includes formal workshops run with members of the community.	**Informal community consultations** – to understand equality needs and challenges. This includes working with community groups and wider community consultations on an ad-hoc basis (e.g. at community events).
	Official data sources – to understand the demographic and wider characteristics of the local area (e.g. Census data, Office of National Statistics data).	-
Organisation	**Drawing on routinely collected management information on staff and service users**. This includes authorities' own equality data on: Staff Annual Human Resource records (including gender pay gap information) Service users Service use data on the types of users accessing services Complaints and feedback Outcomes data – e.g. student attainment data in education	**Informal consultations with staff and service users**. This includes: Staff Creating new and/or tapping into existing staff networks relating to specific protected characteristics Talking to equality and diversity groups within organisations Service users Talking to service user representatives informally (e.g. Student Union representatives)
	Formal consultations with staff and service users Staff Staff surveys (e.g. satisfaction surveys) Focus groups and workshops with staff Service users Equality and diversity groups	

As Table 4.5 indicates, the use of national and organisational data was important in informing the development of objectives. However, interviewees also identified challenges around using both types of data, particularly where these were considered outdated (for example the Census information on an area) and where the organisation was too small for the statistical data to be interpreted meaningfully (for example when the number of staff and students was too small to identify patterns in satisfaction and attainment).

Consultations were also a key part of the strategy to understand equality issues at an area and organisation level. Consultation enabled organisations to build on the equality gaps identified in the formal data and, importantly, to develop an understanding of how equality issues were experienced by affected groups and the impact that it had on them. Interviewees also noted the strength of consultations in fostering trust and extending ownership over equality objectives/outcomes across organisations and service users. At a staff level, consultations were considered important by interviewees, as they ensured that the staff delivering on objectives/outcomes felt ownership over them, which, in turn, increased their motivation to act on them (see Chapter 6 for further discussion).

> It's about us reaching out into communities and being able to listen to people's voices. So talking to them about the services, listening to them about their experiences, what's good, what's bad, what's indifferent. (Health authority)

> … we really wanted them (local community) to understand and to be bought in to our objectives. We wanted them to feel very much involved ... and to feel that they were driving it as well. (Police authority)

However, interviewees identified four key challenges to consultations at different levels:

- **Difficult to engage hard-to-reach groups**: Some groups were reported to be hard to engage, such as transgender groups, certain religious groups and the Lesbian, Gay, Bisexual, Transgender (LGBT) community, who, according to interviewees, did not feel safe disclosing themselves in certain organisations.

- **Perception that the third sector is shrinking**: The view was expressed that third sector organisations representing vulnerable groups are declining in number due to reductions in funding and the general economic climate. This was seen to limit opportunities for effective engagement with the community, in particular in hard-to-reach groups.

- **'Consultation fatigue'**: Staff, users and the community ('stakeholders') were sometimes overly consulted and therefore reluctant to engage. Interviewees tried to work around this by coordinating consultation work with other authorities in their sector, to streamline the demands on the community.

- **Negative attitudes towards equality work**: It was argued that some organisational staff, particularly those not involved directly in equalities work, sometimes did not buy into the equality agenda, seeing it as irrelevant to their day-to-day working, or as a barrier to their day-to-day work. One interviewee noted:

    And I think in terms of engaging with staff … We started off from a blank page really where, if I'm being honest, I think people were frightened of the whole equality agenda. I think they felt that it was something that stopped you from doing things, as opposed to actually something that helps you to do things better. (Local authority)

To address the issue of organisational buy-in to objectives/outcomes, interviewees reported shaping these to fit into their business need and wider authority strategies. This involved tailoring objectives/outcomes to existing key areas in organisational strategy documents (for example local authority strategy documents). Equalities therefore became a part of the wider work done by the authority, thereby improving the actionability of objectives/outcomes, and remained central to the core functioning of the business. This had positive implications for the delivery on objectives/outcomes, discussed at length in Chapter 6. Typical comments included:

    We should use that big strategic document [organisational plan] to be the lead and the light if you like, the guide light for what it is we as an organisation want to do and so that's, that's why we used it because it's, it's the absolute main document for the council at the moment and I want to ensure that equalities is part of it. (Local authority)

    …it's [ensuring objectives reflect organisational strategy] about making sure equality and diversity is part of everything we do and not an add-on and an afterthought. (Local authority)

Evidence from the web review supports the importance of using information, as well as consultation, when setting objectives/outcomes, and indicates a difference between nations in terms of the type of information used. Scottish and Welsh authorities were more likely than English ones to mention that they drew on quantitative evidence in setting their equality objectives/outcomes (65% and 59% respectively, compared with 37% in England) and to mention that they drew on the

qualitative results of consultation or engagement exercises (78% and 90%, compared with 44% in England) (see Table 4.2, above). Both the issues of consultation and information use are revisited in the next chapter, to explore the different processes involved in developing objectives.

A final set of local contextual factors that helped to shape objectives/outcomes focused on the achievability of delivering on objectives. These were related to the organisational capacity to implement objectives/outcomes, based on considerations around affordability and the human resources available, and ensuring objectives/outcomes were easily understandable across an organisation. These considerations shaped objectives/outcomes in three ways:

- **Defining the number of objectives/outcomes that an organisation set**: Where resources were an issue, organisations chose to focus on a smaller number of key objectives/outcomes that related to immediate equality concerns. This was also done to ensure that staff tasked with delivering on these did not feel overwhelmed:

    … [resource considerations are] just things to be mindful of as we move forward … as to whether we've got the resources to do the things that we want to do. So it's no good writing an action plan that's, you know, pie-in-the-sky, that we're gonna, you know, set ourselves up to fail because we just don't have the resources to do that at the moment. (Health authority)

    So, really, our approach to the outcomes issue is let's pick three things that we think we can do [and] which will have an impact, or will provide us with information to plan future outcomes which will have an impact. (Education authority)

- **Defining the scope of objectives/outcomes**: There were mixed views on what constituted a feasible set of objectives/outcomes. One view was that these needed to be broad enough to ensure they were relevant across an organisation (particularly large ones), allowing different parts of the organisation to then tailor these to meet their needs. For example, one practice in the local authority sector was to have broad objectives/outcomes structured around key thematic areas (such as ensuring that equalities implications were embedded in organisational decision-making), which allowed different departments to tailor these according to the specific equality challenges. Conversely, another view was that objectives/outcomes needed to be well-defined and specific in order to be effective in guiding action.

- **Defining the ambition of objectives/outcomes**: A key consideration here was ensuring objectives/outcomes addressed challenging equality issues facing an authority, while also being achievable. One model used to good effect was to set a range of objectives/outcomes that varied in how challenging they were to achieve: some that could be achieved relatively easily and some that required more work and that could be possibly rolled over into the next round of objective/outcome setting. This model helped an organisation move forward in tackling entrenched challenges, while also feeling a sense of progress in meeting the less challenging objectives/outcomes.

The importance of reflection

Public authorities also highlighted the importance of learning from previous experiences of setting objectives/outcomes to help shape the current ones. Reflecting on previous experiences of delivery helped authorities gain a sense of how clearly the objectives/outcomes needed to be expressed (for example what actions were needed, what format objectives/outcomes should be made available to staff within the organisation and their wording); the number of objectives/outcomes that was feasible for their organisation; and their reach and ambition.

4.3 Types of objectives/outcomes set

The web review provided a detailed overview of the number and types of objectives/outcomes set by public authorities, as outlined below. It provided information on three aspects of objective/outcome setting: (a) the number of objectives/outcomes set; (b) the groups these targeted; and (c) the policy and practice areas targeted.

The number of objectives/outcomes

A mean of 6.3 equality objectives/outcomes were set, with a range across the sample from 1 to 50. Compared with health authorities, which were taken as the reference group, further and higher education sector authorities had a higher mean number of equality objectives/outcomes (7.3 compared with 5.5, Table 4.6).

Table 4.6   Mean number of equality objectives/outcomes, by sector

	Health %	Local authority %	Police %	Further/Higher Education %	All %
Mean number of equality objectives/outcomes found	5.5	6.5	5.3	7.3*	6.3
Base	123	96	19	97	335

Source: PSED website review, 2017

Notes: Base is all authority websites with dated equality objectives/outcomes.

No weighting was used.

The reference group is 'health authorities'. Significance testing compares the other three categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

Scottish and Welsh authorities had higher mean numbers of equality objectives/outcomes than English ones (7.1 for Scottish and 7.5 for Welsh, compared with 5.6 for English authorities, Table 4.7).

Table 4.7   Mean number of equality objectives/outcomes, by country

	England %	Scotland %	Wales %	All %
Mean number of equality objectives/outcomes found	5.6	7.1*	7.5*	6.3
Base	194	92	49	335

Source: PSED website review, 2017

Notes: Base is all authority websites where dated equality objectives/outcomes were found.

No weighting was used.

The reference group is 'authorities in England'. Significance testing compares the other two categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

As discussed earlier, the qualitative interviews indicated that the number of objectives/outcomes reflected considerations around how achievable they were, which sometimes reflected previous experiences of objective/outcome setting.

Targeted groups

The web review examined the specific types of protected characteristics and other disadvantaged groups that were mentioned in equality objectives/outcomes (Table 4.8).

Table 4.8   Protected characteristics and other disadvantages mentioned in equality objectives/outcomes, by sector

	Health %	Local authority %	Police %	Further/Higher Education %	All %
Age	51	65*	26*	42	51
Disability	64	73	53	70	68
Gender	40	63*	37	74*	56
Gender reassignment/transgender	27	36	11	43*	33
Marriage/civil partnership	12	10	5	19	13
Pregnancy/maternity	17	23	0	28	21
Race/ethnicity	53	51	58	61	55
Religion/belief	28	32	11	44*	33
Sexual orientation/LGB	42	42	16*	53	44
Reference to 'all protected characteristics'	62	54	53	67	61
No protected characteristics mentioned	10	13	21	7	10
Other disadvantages mentioned	33	61*	53	24	40
Base	123	96	19	97	335

Source: PSED website review, 2017

Notes: Base is all authority websites with dated equality objectives/outcomes.
No weighting was used.
The reference group is 'health authorities'. Significance testing compares the other three categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

In terms of protected characteristics, the most commonly mentioned were disability (68%), 'all protected characteristics' (61%), gender (56%), race/ethnicity (55%) and age (51%), followed by sexual orientation (44%). A third (33%) of authorities mentioned religion/belief and gender reassignment/transgender groups in their equality objectives/outcomes, 21% mentioned pregnancy/maternity and 13%

mentioned marriage or civil partnership. One in 10 authorities did not make any mention of protected characteristics in their equality objectives/outcomes.

There were significant sectoral differences in the protected groups that were mentioned in equality objectives/outcomes (Table 4.8). Compared with health authorities:

- police authorities were less likely to mention age (26%, compared with 51%) or sexual orientation (16%, compared with 42%);

- local authorities were more likely to mention age (65%, compared with 51%) and gender (63%, compared with 40%); and

- further and higher education authorities were more likely to mention gender (74%, compared with 40%), gender reassignment/transgender groups (43%, compared with 27%) and religion/belief (44%, compared with 28%).

Scottish and Welsh authorities were more likely than English ones to mention each of the specific protected characteristics (Table 4.9). This is to be expected given that authorities in Scotland and Wales are subject to specific duties requiring them to publish information on reasons for not including an equality objective/outcome for each of the specific protected characteristics.

A substantial proportion (40%) of authorities mentioned other disadvantaged groups that were not covered by the protected characteristics, with local authorities being the most likely to do so (61%, compared with 33% of health authorities, Table 4.8). Compared with English authorities, Scottish ones were more likely to mention these other disadvantaged groups (47%, compared with 31%) and Welsh authorities were even more likely to do so (61%) (Table 4.9).

Table 4.9   Protected characteristics mentioned in equality objectives/outcomes, by country

	England %	Scotland %	Wales %	All %
Age	39	68*	67*	51
Disability	55	88*	82*	68
Gender	38	84*	78*	56
Gender reassignment/transgender	20	55*	47*	33
Marriage/civil partnership	9	18*	20*	13
Pregnancy/maternity	13	32*	31*	21
Race/ethnicity	46	64*	73*	55

Religion/belief	22	49*	47*	33
Sexual orientation/LGB	28	71*	53*	44
Reference to 'all protected characteristics'	53	77*	61	61
No protected characteristics mentioned	17	0	4*	10
Other disadvantages mentioned	31	47*	61*	40
Base	194	92	49	335

Source: PSED website review, 2017

Notes: Base is all authority websites where dated equality objectives/outcomes were found. No weighting was used.

The reference group is 'authorities in England'. Significance testing compares the other two categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

The other disadvantaged groups mentioned included people experiencing poverty or socio-economic disadvantage; those from rural or remote areas; marginalised or vulnerable people in general; and specific vulnerable groups such as victims of domestic violence, homeless people, drug and alcohol misusers, refugees and asylum seekers, victims of trafficking or hate crime, dementia sufferers and unpaid carers.

The specific types of groups mentioned sometimes reflected the priorities of the sector concerned. For example, health authorities specifically mentioned diabetics, people with eating disorders and those on anti-psychotic medication; local authorities mentioned looked after children, young people not in education, employment or training (NEET), and people in inadequate housing; police authorities mentioned vulnerable victims and witnesses of crime, detainees and people being stopped and searched; and education authorities mentioned international students, apprentices, students who were parents or carers, and female students of science, engineering and technology (SET).

In some cases, the 'other' disadvantages might have been covered by the protected characteristics, but it appeared that the authorities concerned wanted to highlight the issues relating to specific groups. For example, some mentioned members of the Gypsy, Traveller and Roma communities, Syrian refugees, Polish or Eastern European families, Welsh speakers, and people with mental health problems, autism and learning disabilities.

Types and focus of objectives/outcomes

The two key types of objectives/outcomes could be identified from the analysis of the qualitative interviews, based on the degree to which they were geared towards directly addressing the equality challenges identified in the organisation and/or sector: 'foundational' objectives/outcomes and 'direct' objectives/outcomes. Foundational objectives/outcomes were priorities that were a step removed from directly addressing the equality challenges. Their key focus was to build the capacity of the authority needed to address inequalities directly through developing its knowledge and infrastructure. In contrast, direct objectives/outcomes were focused on directly addressing the identified challenges for staff, users and the wider community, rather than building an organisation's capacity to do so. Table 4.10 provides an overview of both types of objectives/outcomes.

Table 4.10 Types of objectives/outcomes

Type	Dimensions
Foundational	**Getting a better understanding of the inequalities issues within a local context**. These objectives/outcomes revolved around: Consulting and engaging with stakeholders (e.g. by drawing on community and staff networks, community events and through social media) Improving the use of organisational data to inform understanding of equality issues (e.g. better ways of collecting information on those with protected characteristics, understanding difference in service use satisfaction between protected characteristic and other groups). **Developing the organisational infrastructure to inform equalities work through**: Staff training to understand equalities generally (including the PSED), how to work with groups with protected characteristics and how to integrate equalities work in the organisation's day-to-day practice (e.g. how to undertake equality impact assessments). Developing 'equalities champions' in the organisation to drive the equalities agenda (including developing equalities forums).
Direct	The direct objectives operated at three levels: organisational, service user and community levels. Organisational level **Setting up internal organisational policies and practices that aim to promote due regard**. This includes embedding due regard within the overall organisational strategies (e.g. introducing equality assessment tools), ensuring there are clear messages around the importance of equalities from senior staff and ensuring procurement practices are also reflective of the organisation's equality agenda. **Improving the diversity and staff working lives**. Objectives/outcomes designed to ensure the workforce reflects the diversity in local communities and that

diversity is valued in the workplace. This includes addressing the gender pay gap in organisations and addressing bullying on the grounds of age, belief and gender.

Service user level

Improving access for service users and take-up. For example, ensuring the curriculum or health services are accessible to all, that issues around the retention and recruitment of staff with protected characteristics were addressed and that information was accessible for disabled people.

Improving outcomes for service users with protected characteristics and other vulnerable groups. For example, narrowing the education attainment gap among students from different gender and ethnic backgrounds compared with White children or improving the health of the transgender population.

Wider community level

Involving the wider community in organisational decision-making process. For example, making sure that decision-making bodies in local authorities are representative of their communities and that organisations work in partnership with community groups.

The types of objectives/outcomes developed varied according to how well developed equalities work was within an organisation. In organisations that did not have a strong history of equalities work, or where this had been interrupted (for example due to staffing issues), the focus was very much on foundational objectives/outcomes to prepare the organisation to move towards more direct ones. Conversely, where an organisation had a history of equalities work, the focus tended to be on direct objectives/outcomes. A recurrent pattern was to have a mixture of foundational and direct objectives/outcomes, which balanced the need to develop the capacity of an organisation in targeted areas with an impetus to address identified equality challenges.

The web review provides further information on the prevalence of different types of objectives/outcomes (Table 4.10). Staff training was the most frequently cited foundational objective/outcome (mentioned by 66% of authorities, Table 4.11). This was followed by a number of direct objectives/outcomes around the types of employment policy and practice, and the types of service delivery practice. All but a small minority of authorities (12%) mentioned some kind of employment policy or practice in their equality objectives/outcomes. After staff training, the most frequently cited policy areas addressed were applications/appointments (44%), discrimination/harassment (37%), pay gaps (35%), promotions and representation in senior roles (26%) and job satisfaction (25%).

Table 4.11 Employment practices mentioned in equality objectives/outcomes, by sector

	Health %	Local authority %	Police %	Further/Higher Education %	All %
Applications/appointments	33	50*	79*	44	44
Pay gaps	17	43*	21	53*	35
Promotions/representation in senior roles	20	14	68*	38*	26
Occupational segregation	7	20*	26*	28*	18
Discrimination/harassment	37	38	37	37	37
Sickness/staff leaving	6	7	21*	7	7
Job satisfaction	24	23	32	26	25
Training	66	67	68	66	66
No employment practices mentioned	18	11	5	7*	12
Base	123	96	19	97	335

Source: PSED website review, 2017

Notes: Base is all authority websites with dated equality objectives/outcomes.

No weighting was used.

The reference group is 'health authorities'. Significance testing compares the other three categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

There were variations across sectors regarding how often the different employment-related objectives/outcomes were mentioned (Table 4.11). Compared with the reference group, health authorities:

- local authorities and police authorities were more likely to mention applications/appointments (50% and 79% respectively, compared with 33%);

- local authorities and further/higher education authorities were more likely to mention pay gaps (43% and 53% respectively, compared with 17%);

- police and education authorities were more likely to mention promotions and representation in senior roles (68% and 38% respectively, compared with 20%)

- police, local and education authorities were more likely to mention occupational segregation (26%, 20% and 28%, compared with 7%); and

- police authorities were more likely to mention sickness or staff leaving (21%, compared with 7%).

Differences between countries in the types of employment policy and practice mentioned in objectives/outcomes could be explained by the different specific studies covering England, Scotland and Wales, such as requirements in Wales and Scotland to publish information on pay disparities. Table 4.12 shows that Welsh and Scottish authorities were more likely than English ones to have equality objectives/outcomes which related to pay gaps (71% in Wales and 46% in Scotland, compared with 21% in England) and staff training (84% in Wales, 72% in Scotland and 59% in England). Scottish authorities were most likely to have equality objectives/outcomes which related to occupational segregation (32% in Scotland, compared with 16% in Wales and 12% in England).

Table 4.12 Employment practices mentioned in equality objectives/outcomes, by country

	England %	Scotland %	Wales %	All %
Applications/appointments	42	40	57	44
Pay gaps	21	46*	71*	35
Promotions/representation in senior roles	28	23	27	26
Occupational segregation	12	32*	16	18
Discrimination/harassment	34	43	37	37
Sickness/staff leaving	7	9	8	7
Job satisfaction	25	27	20	25
Training	59	72*	84*	66
None of these employment practices mentioned	16	11	0	12
Base	194	92	49	335

Source: PSED website review, 2017

Notes: Base is all authority websites where dated equality objectives/outcomes were found. No weighting was used.

The reference group is 'authorities in England'. Significance testing compares the other two categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

Service delivery was another key direct objective/outcome mentioned by public authorities. All but 12% of authorities mentioned some aspect of service delivery in their equality objectives/outcomes (Table 4.13). Service delivery outcomes were

mentioned by 70%, take-up of services by 62%, and satisfaction with services by 52%.

Table 4.13 Service issues mentioned in objectives/outcomes, by sector

	Health %	Local authority %	Police %	Further/Higher Education %	All %
Service delivery outcomes	68	70	84	70	70
Satisfaction with services	54	55	89*	38*	52
Take-up of services	64	63	63	58	62
None of these service issues mentioned	8	10	0	20*	12
Base	123	96	19	97	335

Source: PSED website review, 2017
Notes: Base is all authority websites with dated equality objectives/outcomes.
No weighting was used.
The reference group is 'health authorities'. Significance testing compares the other three categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

There were also some sectoral differences in the service issues mentioned (Table 4.13). Compared with health authorities:

- police authorities were more likely to mention satisfaction with services (89%, compared with 54%) and education authorities were less likely to do so (38%); and

- education authorities were more likely to make no mention of any of the three aspects of service delivery (20%, compared with 8%).

There were no differences between English and Welsh authorities in terms of the service delivery issues mentioned, but Scottish authorities were more likely than English ones to mention service delivery outcomes (80%, compared with 65%) and take-up of services (76%, compared with 55%) (Table 4.14).

Table 4.14 Service issues mentioned in objectives/outcomes, by country

	England %	Scotland %	Wales %	All %
Service delivery outcomes	65	80*	71	70
Satisfaction with services	48	55	59	52
Take-up of services	55	76*	61	62
None of these service issues mentioned	12	12	8	12
Base	194	92	49	335

Source: PSED website review, 2017

Notes: Base is all authority websites where dated equality objectives/outcomes were found.
No weighting was used.
The reference group is 'authorities in England'. Significance testing compares the other two categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

4.4   Summary and key learning

This chapter explored how authorities engaged with the PSED in selecting and prioritising specific objectives/outcomes, and the factors underpinning this decision-making process. The decision to select specific objectives/outcomes was complex. It involved authorities balancing the need to meet key equality challenges with more pragmatic considerations around what was feasible for their organisation to achieve. These considerations, in turn, were shaped by factors relating to the national, sectoral and local contexts.

A key sectoral factor was equality frameworks, which were helpful in providing guidance and reassurance around the type of objectives/outcomes that organisations needed to focus on, but could also impose a national agenda which might not be relevant to the equality challenges facing the local setting. Other sectoral influences that shaped the prioritisation process included (a) an awareness of the wider equality challenges facing a sector; and (b) cross-organisational learning within and across sectors around the types of key equality challenges to prioritise.

There were three factors relating to the local context that shaped objectives/outcomes: (a) how developed equality work was in an organisation; (b) the situational knowledge of the key equalities issues facing a specific organisation and/or the geographical area (for example access to service use); and (c) the

organisational capacity to deliver on objectives/outcomes and the learning from the previous round of objective/outcome setting. These factors defined the number of objectives/outcomes set, how broad or focused they were and how ambitious they were.

Based on these factors, authorities selected two broad categories of objectives/outcomes: (a) foundational; and (b) direct. Foundational objectives/outcomes were driven by a need to build the capacity of the authority to help it directly address inequalities. This included the development of knowledge, skills and the infrastructure needed for the next step. In contrast, direct objectives/outcomes were focused on directly addressing the identified challenges for stakeholders (that is, staff, users and the wider community). A recurrent pattern was to have a mixture of foundational and direct objectives/outcomes, which balanced the need to develop the capacity of an organisation in targeted areas with an impetus to address identified equality challenges.

In light of the above, there is not a 'one-size-fits-all' approach to inform how authorities should prioritise objectives/outcomes. However, the findings support the following good practice principles:

- **Ensuring objective/outcome prioritisation is evidence-based**. That is, objectives/outcomes reflect the local and national priorities as identified by systematic information about a sector and/or organisation (for example census data, service use data), as well as tacit knowledge of these issues. Although not always possible, consultation with stakeholders (staff, service users and the wider community) can provide additional insights by helping to illuminate how equality issues are experienced by those who they affect the most, and to achieve stakeholder buy-in to these issues.

- **When looking at the evidence, there is consideration of both sectoral and local priorities**. Objectives/outcomes need to be selected based on a dialogue between the priorities identified by the sector and those that exist at a local level. In particular, interviewees highlighted the importance of ensuring that objectives/outcomes align with the business needs of authorities, to help implementation. However, the scope to do this may be limited, particularly where sectoral frameworks are prescriptive.

- **The types of objectives/outcomes prioritised should reflect how well developed equalities work is within an organisation**. However, as discussed, having a balance of foundational and direct objectives/outcomes may be appropriate for many authorities.

5 | The process of developing objectives and outcomes

5.1   Introduction

This chapter draws on the interview data, to take a closer look at the actual process of identifying equality concerns and distilling these into a set of objectives/outcomes. This is done with a view to identifying different 'pathways' involved in setting up objectives/outcomes and key good practice.

5.2   The pathways to objective/outcome setting

Although authorities used a diverse range of processes to support the development of objectives/outcomes, these can be grouped into three broad approaches, based on how centralised and evidenced-based the process was (as discussed in Chapter 4). These approaches are outlined in Figure 5.1 and are discussed in turn. Across all three approaches, the equality leads played an important role in helping to coordinating and drive objective/outcome development within authorities.

Figure 5.1 Objective/outcome development approaches
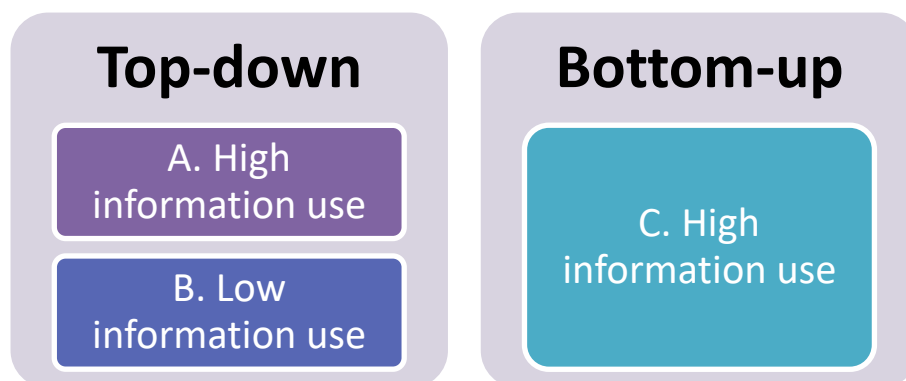
Top-down decision-making approaches

The top-down model was a centralised approach to the development of objectives/outcomes, where decisions were solely made at a senior or strategic level. This involved a nominated equalities person and/or group ('equality lead') drafting objectives/outcomes without any consultation with stakeholders. There were three motivations underpinning this approach: (a) consultation was seen to be unnecessary, as equality leads felt they knew the key challenges in their sector, community and/or organisation; (b) consultation was considered desirable but not feasible in light of challenges, such as time and resources, discussed in Chapter 4; or (c) organisational resources were seen to be better spent on service delivery rather than on equality work, especially for smaller organisations with limited resources. An interviewee commented:

> It's [having resources for equalities work] not going to happen. That's just not realistic. If we had any extra money we probably wouldn't be spending it on that [equalities work] anyway, because we've got other things, in terms of the actual education of students that we're falling short in because of the financial situation. So it's not realistic for us. (Education authority)

There were two sub-approaches within the top-down model, based on the extent to which evidence was used to guide objective/outcome development. The top-down high information use model (approach A) involved equality leads drawing on the range of formal and informal information sources described in Chapter 4, to understand the equality challenges in their sector and local context.

In contrast, the low information use model (approach B) drew on very little or no evidence to inform decision-making. Objectives/outcomes were developed based on the strategic leads' tacit understanding of the equality issues facing their authority. This approach was taken because of resource limitations (for example time and expertise to access data) and a consideration that the available data would not be helpful in understanding equality gaps (for example national datasets did not reflect the distinctiveness of an authority's area). This approach was taken particularly, although not exclusively, by smaller authorities with limited resources and equalities expertise. One interviewee noted:

> Well, what we'd like it to be is that we have statistical data showing that these are the things that are driving our outcomes, but the reality is that we didn't have that, and we didn't have time to try and develop that before we had them [outcomes]. So a lot of this will be based on, if you like,

softer data. So, for example, we know that in [particular teaching subject] we have very few females; we know that [particular service delivery] we have very few males; and so forth. So we see what the problem is, and we don't know statistics to tell us that, because we're a very small [organisation] and you can see that every day when you walk around. The gender split, for example, in our courses…, is huge, as it is in many colleges. (Education authority)

The bottom-up approach

Consultation was an integral feature of the bottom-up approach, in which ideas around equality objectives/outcomes were informed and co-produced by stakeholders. Three key reasons underpinned this approach. First, it was primarily driven by a need to identify and understand issues from the perspective of those affected by them, as well as those tasked with delivering on objectives/outcomes, as noted in Chapter 4. Second, equality leads harnessed the support of others to develop objectives/outcomes to time and budget, particularly when resources were limited (for example where equality teams had been reduced due to budgetary constraints). Third, consultation was used by equality leads to improve the ownership and investment that organisational staff, in particular, had over the objectives/outcomes they were tasked to deliver. This was seen to improve accountability at the delivery phase (discussed further in Chapter 6). One interviewee noted that:

> …so when I [equalities coordinator] go back to them [staff] and say, 'How are you doing?' [progress on objectives] I'm not asking them about mine [objectives], I'm asking them about something that they own and therefore they are answerable to. (Local authority)

The degree to which the co-production of objectives/outcomes was realised varied. This was dependent on the factors which made consultation possible outlined in Figure 5.2, and the willingness of equality leads to devolve responsibility. Accordingly, authorities fell along a spectrum where, at one end, they were able to allow stakeholders (particularly departments and staff in their organisation) to take a lead in developing objectives/outcomes and felt comfortable in doing so. In this approach, the equality leads helped to facilitate the process and to refine and 'polish' objectives/outcomes that were developed. At the other end of the spectrum, equality leads still played an active role in drafting the actual objectives/outcomes but in close

consultation with stakeholders. This difference is reflected in the timing of consultation, as outlined below:

- **Prior to drafting of objectives**: stakeholders had the role of co-producers in defining areas of equality work, or even in developing objectives/outcomes relevant to them.

- **After the drafting of objectives**: stakeholders had the role of reviewers in helping to refine and further shape the objectives/outcomes, with the equality leads taking the initiative in drafting the objectives/outcomes initially.

- **At multiple points**: stakeholders had oversight of objectives/outcomes both at the start and at different stages of drafting (for example after initial revisions of objectives), having the dual role of co-producers and reviewers.

Figure 5.2 Factors affecting consultation

Resources to support consultation
- The importance of having equality leads that could coordinate the development of objectives/outcomes
- Equality leads had key characteristics to help drive objective/outcome setting
  - They were knowledgeable about the equalities area and the organisation (e.g. knew which committees to involve)
  - They had the skills to engage staff and communities
  - Equality leads had a senior role which lent credibility to the process and helped secure buy-in from the organisation
- There was sufficient lead-in time to develop objectives so that consultation could take place

Organisational structures to support consultation
- Equality leads had access to consultation channels
  - Access to equality groups in their organisation (e.g. staff associations, equality and diversity committees and equality hubs) that could provide input
  - Authorities had connections to key stakeholders to facilitate consultation (e.g. connections to local community groups)
- Equality leads were supported
  - Equality leads had support from senior management, which helped to get buy-in from wider organisation (see Chapter 6 also)

How amenable stakeholders were to consultation
- The degree to which stakeholders were open to consultation (as discussed in Chapter 4)

It is notable that for the bottom-up approach, consultation was also accompanied by the use of formal and informal sources. This reflects the overall drive among this group to ensure objectives/outcomes were evidenced-based.

5.3 Summary and key learning

This chapter provided insight into the actual processes that authorities used to develop objectives/outcomes. Although there were numerous ways in which authorities did this, these can be categorised according to who was involved in their development and what information was used. There were therefore three pathways to objective/outcome setting:

- **Top-down approaches**. These were centralised approaches to objective/outcome development, where senior equality leads generated objectives/outcomes with no consultation with stakeholders. There were three key drivers behind this approach: (a) equality leads' stated familiarity with the equality challenges facing their sector and authority without having to consult; (b) a lack of resources to conduct consultations; or (c) equality leads' unwillingness to use resources, preferring to focus on service delivery. Top-down approaches could be further segmented into two groups according to the extent to which evidence was used to develop objectives/outcomes: (a) the high information use model drew on a range of evidence, discussed in Chapter 4, to get a sense of the relevant equality challenges; (b) the low information use model drew largely on equality leads' tacit knowledge of the issues.

- **Bottom-up approaches**. Consultation and high evidence use were pivotal features of this approach, with objectives/outcomes co-produced with stakeholders. A key driver behind this approach was to ensure that objectives/outcomes reflected the experiences of those that were affected by equality issues and/or tasked with delivering the objectives/outcomes. Other reasons included providing practical support for equality leads to develop objectives/outcomes to time and budget, and improving investment and accountability in those tasked with delivering them.

As discussed in Chapter 4, objectives/outcomes benefit from being evidenced-based and the insights that stakeholders bring to them. This points to the importance of a bottom-up approach, but this good practice point needs to be caveated to take account of the local context in which an authority exists. This includes the

organisational resources available for consultation, the structures within an authority that make internal consultation possible and the openness of stakeholders to consultation.

Across both approaches, interviewees also indicated the importance of having equality leads as a 'coordinating force' within an authority to drive objective/outcome development, regardless of how light-touch their role was. Equality leads also played an instrumental role in coordinating the implementation of the objectives/outcomes; how they did this, and the qualities they needed, will be discussed in Chapter 6.

6 | Implementing objectives and outcomes

6.1   Introduction

This chapter discusses the key aspects of the implementation of equality objectives/outcomes. The chapter briefly describes the type of actions typically undertaken. It then outlines some key features in the process of implementing objectives/outcomes, with a view to identifying good practice. As will be discussed, there was a close interrelationship between objective/outcome setting and implementation, with a core set of good practice and interrelating factors forming the spine of both.

6.2   A description of the actions taken

The types of actions undertaken broadly mirror the two key types of objectives/outcomes identified in Chapter 4: foundational objectives/outcomes (designed to build the capacity of an authority to address equality issues) and direct objectives/outcomes (designed to tackle inequalities directly). Table 6.1 provides an overview of some of the types of actions interviewees mentioned.

Table 6.1   A brief overview of the type of actions undertaken

Type of objective	Actions
Foundational	**Getting a better understanding of the inequalities issues within a local context**

Consulting and engaging stakeholders
- Bringing together service users that are affected by an issue. For example, using focus groups and community events with those affected by a particular type of crime (e.g. LGBT and religious groups on hate crimes).
- Bringing together staff to discuss equality issues. For example, bringing together senior staff to understand the challenges around undertaking equality impact assessments.

Improving the use of organisational data to inform understanding of equality issues
- Introducing procedures to capture information relating to equalities. For example, setting up staff grievance recording processes to identify trends in the type of grievances felt by different groups, including those with protected characteristics.
- Improving tools used to capture monitoring information. This included adding additional questions to staff and service user questionnaires to capture specific protected characteristics not considered before (such as sexual orientation, religion or belief and disability). It also included having better instructions for staff to record data on those affected by the service (e.g. those in custody) consistently and accurately and using innovative ways to capture service user satisfaction. For example, using mobile electronic devices (e.g. iPad) to quickly capture views on service use of patients with protected characteristics.
- Encouraging staff and service users to disclose whether they had protected characteristic(s). For example, explaining to staff the importance and value of disclosing this in surveys.

Developing the organisational infrastructure to inform equalities work

Staff training
- Work done to identify who in the organisation needs equality training.
- Offering training to meet the needs of staff. This

ranged from providing personal coaching given to staff on how to undertake equality impact assessments to e-learning around the PSED.
- Initiatives to ensure staff could take up training. For example, paying part-time staff to attend equality-related training.

Developing 'equalities champions' in the organisation to drive the equalities agenda forward
- Recruiting an individual member of staff dedicated to reviewing diversity in an organisation's workforce. This could include, for example, driving a strategy to understand spiritual beliefs in an organisation.
- Setting up staff LGBT and/or disability networks with existing staff to provide input into an organisation's equality strategy.
- Setting up diversity committees to drive the equalities agenda in an organisation.
- Appointing equality champions across an organisation.

Direct	**Organisational initiatives**

Setting up internal organisational policies and practices that aim to promote due regard
- Ensuring that all services delivered by an organisation have been informed by equality impact assessments.
- Adding equality-related questions to tender documents to ensure third party providers adhere to an authority's equalities policy.
- Senior management staff providing a clear message about zero tolerance for staff and service users committing hate crimes.
- Reviewing existing equality policies to ensure that they are fit for purpose. For example, revisiting existing gender equality polices.

Increasing the diversity of staff and improving staff working lives
- Monitoring the composition of key decision-making committees in organisations to ensure that they are as diverse as possible.
- Developing initiatives targeting specific characteristics. For example, training programmes to help people from ethnic minority backgrounds to access leadership roles or internships offered to people with learning disabilities.

- Subscribing to external equality schemes and initiatives to help improve current staff diversity. For

example, drawing on Stonewall's Workplace Equality Index (a benchmarking tool) to help the organisation identify the support that LGBT staff need.

Service user level initiatives

Improving access and take-up for service users
- Making organisational documentation more accessible to service users (e.g. easy to read format for people with visual impairments and language issues).
- Having specific spaces for Muslim students to pray in higher and further education buildings.

Improving outcomes for service users with protected characteristics and other vulnerable groups
- Having staff in place (e.g. a specialist nurse) to be able to identify specific disability issues (e.g. learning disabilities) in order to provide timely care.

Wider community level initiatives

Involving the wider community in organisational decision-making processes
- Involving community groups to explore solutions. For example working with local disability groups to understand what can be done to recruit more disabled staff.

6.3   Key implementation features

Five key features can be considered to aid implementation of equality objectives/outcomes:

- having SMART objectives
- ensuring accountability for delivery
- coordinating equalities work
- managing resources, and
- engaging people with protected characteristics.

The following sub-sections discuss each feature in turn.

SMART objectives

Having objectives/outcomes that are Specific, Measurable, Achievable, Relevant and Time bound (SMART) is generally seen to assist in the implementation by providing direction, accountability and a way to measure progress (EHRC, 2016b). In order to be assessed as having SMART objectives/outcomes in the web review, an authority needed to have at least one objective/outcome that fulfilled all of the following criteria: it was aimed at a specific group, policy or practice; it defined a measurable amount of progress to be achieved; it set a date by which progress was to be achieved; and it specified the person responsible. These features of SMART objectives/outcomes can be seen as promoting accountability within authorities (discussed in the following section).

Table 6.2 shows that a minority of authorities (36%) had any objectives/outcomes meeting all of the SMART criteria. Authorities from the further and higher education sector were more likely than those from other sectors to have these types of objectives/outcomes (53%, compared with 28% in the health sector, which was the reference group). However, we found no significant differences between countries in the proportion of authorities with SMART objectives/outcomes (Table 6.3).

Table 6.2 **Proportion of authorities with any SMART* equality objectives/outcomes, by sector**

	Health %	Local authority %	Police %	Further/Higher Education %	All %
Any SMART equality objectives/outcomes found	28	33	26	53*	36
Base	123	96	19	97	335

Source: PSED website review, 2017

Notes: Base is all authority websites with dated equality objectives/outcomes.
No weighting was used.
The reference group is 'health authorities'. Significance testing compares the other three categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.
*SMART objectives/outcomes are defined as those aimed at a specific group, policy or practice; which define a measurable amount of progress to be achieved; which set a date by which progress is to be achieved; and which specify the person responsible.

Table 6.3   **Proportion of authorities with any SMART equality objectives/outcomes, by country**

	England %	Scotland %	Wales %	All %
Any SMART equality objectives/outcomes found	32	39	47	36
Base	194	92	49	335

Source: PSED website review, 2017

Notes: Base is all authority websites where dated equality objectives/outcomes were found. No weighting was used.

The reference group is 'authorities in England'. Significance testing compares the other two categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

*SMART objectives/outcomes are defined as those aimed at a specific group, policy or practice; which define a measurable amount of progress to be achieved; which set a date by which progress is to be achieved; and which specify the person responsible.

Accountability for delivery

When devising a way to deliver on objectives/outcomes, a key approach used was to devolve responsibility (and accountability) for delivery across the organisation, with equality leads largely playing a coordinating role in helping to facilitate the delivery. This mirrors the bottom-up approach to setting objectives/outcomes discussed in Chapter 5, with a similar set of drivers relating to equality principles and pragmatic consideration informing this approach:

- **Mainstreaming equalities work**. Extending ownership of delivery meant extending accountability for delivery widely, emphasising the message that equalities work was not just the role of equality leads but one central to the core functioning of the organisation as a whole. Ownership and accountability was enhanced where stakeholders had an input in developing objectives/outcomes (as discussed in Chapter 5) and they were seen to be core to business need for an organisation (as discussed in Chapter 4).

- **Pragmatic considerations around delivery**. These considerations related to ensuring that delivery was feasible and achievable within the available organisational resources. A devolved model of delivery achieved this by ensuring that the effort needed to deliver on objectives/outcomes was distributed across the organisation (rather than it resting with one individual or

group). In addition, it ensured that objectives/outcomes were assigned to those with the knowledge and skills to deliver on them. For example, one approach in health authorities was to segment the delivery of objectives/outcomes relating to workforce issues and patient care between human resources departments and clinical teams.

The degree to which accountability was devolved was influenced by the size and organisational structure of the authority, as well as by the complexity of objectives/outcomes. For example, large health authorities with multiple objectives/outcomes clustered around a number of thematic areas sometimes devolved accountability across more than one department (see also the coordination discussion below). Conversely, a more centralised accountability approach was used by smaller organisations that did not have the organisational structures in place to facilitate the devolvement of implementation responsibilities (for example clear departmental responsibilities and resources) and/or had simpler sets of objectives/outcomes. This involved equality leads being solely tasked with delivering on objectives/outcomes and often reporting back to other decision-making bodies within their organisation, such as leadership boards or equality and diversity groups.

Coordinating the implementation of equalities objectives/outcomes

As with the development of objectives/outcomes (Chapter 5), interviewees also reported the importance of equalities work being coordinated within an organisation, regardless of whether the responsibility for implementation of the objectives was direct or devolved. There were four key aspects to coordination: (a) the role of equality leads; (b) getting organisational buy-in to implement objectives/outcomes; (c) working with sectoral frameworks; and (d) use of equality tools, such as action plans and equality impact assessments.

A key 'coordinating force' mentioned was equality leads, consisting of groups, committees or nominated individuals. They were seen to help drive and coordinate implementation in a number of ways, such as helping to motivate staff through informal discussions, upskilling them by either directly providing or sourcing formal and informal equalities training, and helping to shape the implementation processes. One interviewee noted that:

> I spent time with individual leads and saying, 'This is what we want. This is how we want it', so they were very clear from the onset what the expectations were and what the deliverables were as well. So there was no surprises. And also having someone like me [equalities coordinator] as

a contact was quite important, because then they knew that they could come to me. (Health authority)

The role played by equality leads highlights the importance of them having the key attributes mentioned in Figure 5.2, including their level of seniority, in order to have the credibility and knowledge to support organisations:

Because I'm more senior, I think… that means… I can promote it [equalities work] to my colleagues much more effectively, or easier; it's probably easier for me to do that, and it does give it a prominence in the institution. (Education authority)

As with the development of objectives/outcomes, this coordination role was reported to be particularly effective when the organisational structure supported the role played by equality leads. In particular, the engagement of senior and middle management was important to achieve wider organisational buy-in which gave equality leads further leverage. This was seen to be important across all authorities, but particularly in sectors that had a hierarchical operational model (for example education and local authorities), where some staff were resistant to equalities work and where time and resources were limited. Management teams helped achieve organisational buy-in in a number of ways, including releasing resources for equalities work, setting an example by prioritising equalities work themselves (for example chairing equalities committees) and/or by sending a clear message that this was part of the organisational priorities. This messaging was particularly important as authorities tended to have multiple priorities and to work with fixed resources. This is illustrated by two comments from interviewees:

… the person at the top is saying, 'This is really important, so important that actually in my busy world I am actually happy to prioritise this, because it is so important to the organisation'. So I think that leadership from the top has been, has, has been second to none and actually, y'know, people say, … 'if the chief exec's leading this, it must be important'. (Health authority)

I don't mean that from a stick approach [by the leadership team]. I mean that from, leading by example and showing that this is important. (Police authority)

Sectoral frameworks were also an important lever to help equality leads achieve organisational buy-in in meeting objectives/outcomes, particularly if these frameworks were compulsory and if there were repercussions when they were not met (as discussed in Chapter 3). However, as also discussed, the view was

expressed that sectoral frameworks sometimes added to the administrative burden of having to meet multiple equality agendas (if objectives/outcomes were not linked to frameworks) and/or to collect and report on data to meet multiple needs. One view was that this further 'squeezed' the tight resources, particularly for smaller organisations with limited resources. This was sometimes seen to result in authorities trying to do the bare minimum to meet different equality objective/outcome requirements to fit their resources, rather than meaningfully and innovatively engaging with equality challenges.

Authorities also discussed the coordination tools they had in place to meet their equality objectives/outcomes. One example was an equality action plan, which typically identified the key objectives/outcomes, who was responsible for delivering these, and the timeframe for delivery. Action plans help to guide equalities work by clarifying how exactly they should be delivered. This was particularly important in a devolved delivery approach and/or where an organisation was tasked with meeting multiple equality objectives/outcomes from a number of frameworks.

Another tool that was commonly used was equality impact assessments, which involved assessing policies and practices for potential equality impacts at the outset. This tool was seen to ensure that equality objectives/outcomes and 'due regard' were incorporated into the day-to-day functioning of an organisation. However, interviewees noted that not all authorities had staff with the knowledge and skills to do this thoroughly.

Managing resources

A key factor touched on across this section is the importance of resources. This covered whether staff had the time to action objectives/outcomes; whether budgets were in place to ensure staff received the required equalities training (see the foundational objectives/outcomes discussed in Chapter 4); and whether systems and processes were in place to support the delivery of objectives/outcomes. These systems included having the IT infrastructure in place, for example, to consult users and report on progress. It also included having clarity around equality-related processes, such as when to do an equality assessment. As discussed above, the importance of having sufficient resources was heightened by the need to meet competing equality objectives/outcomes within the context of fixed resources. Two comments included that:

> …responsibilities [meeting equality objectives] that's put a huge amount of
> pressure on the team which has then reduced our ability to be able to…

deliver innovative… activities to support these diverse groups. (Health authority)

…because people are firefighting to try to get on with their day job. (Health authority)

Resource limitations were an issue across the authorities. One way of addressing this was to use the mandatory nature of the PSED and/or sector frameworks as leverage to release organisational resources to help meet objectives/outcomes. Another way was to think about how to share the making of objectives/outcomes. This included working with organisations in the same or other sectors jointly to develop and implement objectives/outcomes, sharing funding, expertise and responsibilities in the process. However, the sharing of objectives/outcomes and funding also sometimes meant that authorities felt they effectively had their resources halved.

Engaging people with protected characteristics

As with the consultation process when developing objectives/outcomes, it was important to achieve the buy-in of representatives of people with protected characteristics and wider vulnerable groups in the implementation process. Key barriers to this were challenges around identifying and accessing these groups similar to those discussed at the consultation stage (see Figure 5.2). For example, there were privacy concerns leading to staff not being willing to disclose a protected characteristic (for example disability) and/or not wanting to take part in networks for specific groups (for example LGBT networks).

6.4   Summary and key learning

The focus of the chapter was on the key features of implementation. These included the extent to which authorities' actions were guided by SMART objectives; decision-making processes around accountability for delivery; coordination of delivery within an authority; working with fixed resources; and engaging members with protected characteristics and wider vulnerable groups.

As with setting objectives/outcomes, the local context in which authorities exist shaped their approach to implementation. However, three good practice points emerged from the discussion to ensure delivery on objectives/outcomes was not overlooked amidst the other competing priorities that authorities face:

- **Equality leads are an important coordinating mechanism within authorities**. Even where there is a devolved delivery model, equality leads are needed to motivate and train staff, as well as to help shape the implementation process.

- **Coordinating tools are important**. In particular, action plans and equality impact assessments were a good way to keep equality work at front of mind and to guide this work by clarifying how exactly it should be delivered.

- **Management buy-in is important**. Both senior and middle management buy-in to equality objectives/outcomes is important in sanctioning the release of resources to meet objectives/outcomes and to encourage wider organisational buy-in.

7 | Evaluation and impact

7.1 Introduction

Evaluating actions related to specific equality objectives/outcomes is the final step of the 'equality journey' for public authorities outlined in this report. Public authorities considered evaluation of objectives/outcomes important for two reasons: first, it keeps equality on the agenda, and second, evaluation makes it possible to respond to changing demands within the workforce and service delivery. This chapter examines (a) whether and how authorities evaluate the impact of their actions; (b) the issues that authorities consider when evaluating; (c) factors affecting evaluation; and, to a lesser extent, (d) the impact of actions. The main focus of the discussion is primary data from the qualitative interviews, although findings from the web review are also included. As stated in Chapter 1, the interviews included only a limited discussion of evaluation and impact. Therefore, the discussion of interview data applies only to authorities that talked about evaluation and impact.

7.2 Reporting on progress against objectives/outcomes

The web review showed that 61% of the authorities with accessible equality objectives/outcomes had provided reports on progress against these which were also accessible from their websites. This proportion did not vary significantly between sectors (Table 7.1).

Scottish and Welsh authorities were more likely than English ones to have provided reports on progress. These were found on 73% of Scottish and 78% of Welsh authorities' websites, but on only 52% of English ones (Table 7.2).

Table 7.1 **Proportion of authorities providing accessible reports on progress towards equality objectives/outcomes, by sector**

	Health %	Local authority %	Police %	Further/Higher Education %	All %
Provided reports on progress	59	57	58	70	61
Base	123	96	19	97	335

Source: PSED website review, 2017

Notes: Base is all authority websites with dated equality objectives/outcomes.

No weighting was used.

The reference group is 'health authorities'. Significance testing compares the other three categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

Table 7.2 **Proportion of authorities providing accessible reports on progress towards equality objectives/outcomes, by country**

	England %	Scotland %	Wales %	All %
Provided reports on progress	52	73*	78*	61
Base	194	92	49	335

Source: PSED website review, 2017

Notes: Base is all authority websites where dated equality objectives were found.

No weighting was used.

The reference group is 'authorities in England'. Significance testing compares the other two categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

The web review examined the specific protected characteristics that were mentioned in reports on progress against equality objectives/outcomes (Table 7.3). Disability was the most commonly mentioned overall (81% of authorities which produced reports on progress), followed by race/ethnicity (71%), gender (68%), age (62%) and sexual orientation (58%).

The proportion of authorities reporting on progress for the various protected characteristics groups was found to vary between sectors (Table 7.3), although small numbers of authorities in some sectors (for example, only 11 police authorities in our sample reported on progress) meant that differences did not always achieve statistical significance.

Table 7.3   Protected characteristics included in reports on progress, by sector

	Health %	Local authority %	Police %	Further/Higher Education %	All %
Age	53	89*	45	53	62
Disability	68	89*	82	87*	81
Gender	39	78*	82*	90*	68
Gender reassignment/transgender	22	44*	36	41*	35
Marriage/civil partnership	10	15	9	21	15
Pregnancy/maternity	18	25	18	24	22
Race/ethnicity	61	71	91	78*	71
Religion/belief	32	51*	45	51*	44
Sexual orientation/LGB	50	69*	55	59	58
No protected characteristics mentioned	15	4*	9	4*	8
Other disadvantages mentioned	32	58*	27	15*	33
Base	72	55	11	68	206

Source: PSED website review, 2017

Notes: Base is all authority websites providing reports on progress against equality objectives/outcomes.

No weighting was used.

The reference group is 'health authorities'. Significance testing compares the other three categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

Compared with the reference group, health authorities:

- local authorities were more likely to report on outcomes by age (89% compared with 53%), disability (89% compared with 68%), gender (78% compared with 39%), gender reassignment/transgender (44% compared with 22%), religion/belief (51% compared with 32%), and sexual orientation (69% compared with 50%), and also to report on outcomes for other disadvantaged groups not covered by the protected characteristics (58% compared with 32%),

- police authorities were more likely to report on outcomes by gender (82% compared with 39%), and

- education authorities were more likely to report on outcomes by disability (87% compared with 68%), gender (90% compared with 39%), gender reassignment/transgender (41% compared with 22%), race/ethnicity (78% compared with 61%), and religion/belief (51% compared with 32%), but less likely to report on the progress of other disadvantaged groups not covered by the protected characteristics (15% compared with 32%).

The web review also highlighted differences between countries in reporting on the progress of specific protected characteristics groups (Table 7.4).

Table 7.4 **Protected characteristics included in reports on progress, by country**

	England %	Scotland %	Wales %	All %
Age	51	76*	66	62
Disability	69	96*	84	81
Gender	50	93*	76*	68
Gender reassignment/transgender	18	54*	47*	35
Marriage/civil partnership	13	18	13	15
Pregnancy/maternity	14	31*	26	22
Race/ethnicity	69	75	68	71
Religion/belief	36	55*	47	44
Sexual orientation/LGB	46	73*	66*	58
No protected characteristics mentioned	14	0	8	8
Other disadvantages mentioned	27	36	45*	33
Base	101	67	38	206

Source: PSED website review, 2017

Notes: Base is all authority websites providing reports on progress against equality objectives. No weighting was used.

The reference group is 'authorities in England'. Significance testing compares the other two categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

The table shows that, compared with English authorities:

- Scottish authorities were more likely to report on progress by age (76% compared with 51%), disability (96% compared with 69%), gender (93% compared with 50%), gender reassignment/transgender (54% compared with 18%), pregnancy/maternity (31% compared with 14%), religion/belief (55% compared with 36%) and sexual orientation (73% compared with 46%).

- Welsh authorities were more likely to report on progress by gender (76% compared with 50%), gender reassignment/transgender (47% compared with 18%), and sexual orientation (66% compared with 46%), as well as being more likely to report on the progress of other disadvantaged groups not specifically covered by the protected characteristics (45% compared with 27%).

Previous chapters examined the types of evidence that were used in the drafting of objectives, such as quantitative results from surveys or qualitative information from customer engagement exercises. The web review also examined the types of evidence that were presented in progress reports related to equality objectives. Table 7.5 shows that more than three quarters (78%) of authorities which produced such reports included quantitative evidence within them, and that a similar proportion (76%) included qualitative evidence. Compared with health authorities, education authorities were more likely to include quantitative evidence in their reports (85% compared with 69%) but there were no other significant differences between sectors.

Table 7.5   Types of evidence used in reports on progress, by sector

	Health %	Local authority %	Police %	Further/Higher Education %	All %
Quantitative evidence	69	78	91	85*	78
Qualitative evidence	82	75	64	72	76
Clear narrative about achievement	61	80*	82	68	69
Base	72	55	11	68	206

Source: PSED website review, 2017

Notes: Base is all authority websites providing reports on progress against equality objectives/outcomes.
No weighting was used.
The reference group is 'health authorities'. Significance testing compares the other three categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

The web reviewers determined that 69% of authorities producing progress reports provided a clear narrative about the reasons for achievement or non-achievement of equality objectives (Table 7.5). Compared with health authorities, local authorities were more likely to have provided such a narrative in their progress reports (80% compared with 61%).

Table 7.6 shows that Scottish authorities were more likely than English ones to include quantitative and qualitative evidence in their progress reports (93% compared with 70% for quantitative and 91% compared with 65% for qualitative). Scottish and Welsh authorities were both more likely than English ones to provide a clear narrative about reasons for achievement or non-achievement of equality objectives (81% and 84% respectively compared with 56% of English authorities which produced reports).

Table 7.6 **Types of evidence used in reports on progress, by country**

	England %	Scotland %	Wales %	All %
Quantitative evidence	70	93*	74	78
Qualitative evidence	65	91*	76	76
Clear narrative about achievement	56	81*	84*	69
Base	101	67	38	206

Source: PSED website review, 2017

Notes: Base is all authority websites providing reports on progress against equality objectives/outcomes.

No weighting was used.

The reference group is 'authorities in England'. Significance testing compares the other two categories with the reference group, and is indicated as follows: * significant difference at 95% level or above.

7.3   Evaluation decision-making

Authorities considered four dimensions when deciding on evaluating actions to meet equality objectives/outcomes:

- **tools**: the methods, data, systems and outputs used for evaluating,
- **responsibility and oversight**: the stakeholders involved in evaluating and overseeing actions,
- **involvement**: the stakeholders consulted to review equality objectives/outcomes, including which protected groups to include, and
- **frequency**: the frequency of (a) updating on the progress in meeting objectives/outcomes and (b) reporting on the progress against objectives/outcomes.

Different evaluation approaches followed from authorities' decision-making:

- **Tailored versus generic evaluation tools**. In general, larger public authorities were able to employ a range of qualitative and quantitative evaluation tools to review specific equality objectives/outcomes. This was in part attributable to a wider pool of resources in terms of money, staff and access to relevant stakeholders. Other authorities limited their evaluation work to generic tools such as staff satisfaction surveys. At times, these tended not to be specifically targeted at reviewing equality objectives/outcomes, but

rather about measuring overall satisfaction levels across the organisation. Scottish authorities were more likely than English ones to include both quantitative and qualitative evidence in their progress reports, a finding which was probably due to more prescriptive and comprehensive reporting requirements in Scotland (see Chapter 1).

- **Shared responsibility model versus one-person model**. Public authorities that devolved responsibility for evaluation across the organisation did so for three reasons: (a) to maximise buy-in (b); to mainstream equality and (c) for more practical reasons, such as requiring this approach due to the size of the organisation. In contrast, authorities where one person evaluated the actions tended to be smaller organisations where the equality lead had less of a coordinating role, but was actively involved in the bulk of the equality work.

- **Ongoing, sporadic and inconsistent evaluation**: Across both dimensions, the frequency of reviews varied significantly, ranging from regular weekly reviews, quarterly meetings and annual reviews to irregular reviews without a specified timeframe. Three factors contributed to more frequent reviews: (a) a formal process such as an action plan, as this was likely to include fixed dates for review; (b) country-specific requirements that required publication of annual reviews and therefore necessitated more regular reviews; and (c) the level of change within an organisation regarding service-users, staff and their needs, as this made it more important for authorities to be responsive to emerging priorities. Requirements to regularly review objectives/outcomes and consequent potential for enhanced awareness of changes might explain why Scottish and Welsh authorities were significantly more likely than English ones to provide a clear narrative about reasons for the achievement or non-achievement of equality objectives/outcomes (Table 7.6).

7.4   Factors influencing the effectiveness of evaluation

Factors influencing the effectiveness of evaluation included: (a) resources; (b) organisational buy-in; (c) organisational infrastructure; (d) frequency of reviews; and (e) sectoral requirements.

Resources: a lack of time and finances significantly hindered the capacity to evaluate. One view identified colleagues' lack of time as a key barrier for setting up regular progress reviews, which was believed to be the main factor for effective evaluation:

[I]f I could create more hours in the day and they had more hours in the day I would be sat down with them more regularly looking at what they're doing and what it's telling them because I think that's the thing that makes the difference (Local authority).

Organisational buy-in: senior leadership involvement increased ownership, in particular in the absence of collective organisational buy-in. One example included an evaluation that happened only once the leader intervened to 'to tell individual people that they had to take responsibility for them' (Local authority).

Organisational infrastructure: some authorities lacked a system for reviewing objectives/outcomes. For example, an interviewee from a health trust acknowledged that once objectives were set, 'there was nothing put in place in terms of accountability … it was okay we've done it, we published it, and it goes away' (Health authority). In contrast, action plans increased ownership and accountability. Listing names of people next to different objectives/outcomes, for instance, was a practical step towards ensuring ownership, since responsibilities were clearly established. Similarly, performance monitoring systems, such as traffic light systems or actions plans with performance indicators for each outcome, were equally effective ways of making sure evaluation occurred, as this increased accountability.

Ongoing reviews: ongoing reviews, for example on a quarterly basis, were considered helpful for recording progress against objectives/outcomes. In larger authorities, where responsibilities were devolved, it was particularly relevant to have regular updates, 'to keep people's minds on the ball if they've got an objective that they've got to do' (Education authority). One police force shifted from annual reviews to quarterly reviews on the basis that annual reviews resulted in a loss of focus. Ongoing reviews also increased the likelihood of effective evaluation, because it was a mechanism to keep pace with organisational changes and ensuing needs. As one interviewee said, 'what you're trying to do in year one has … very little relation to what you need to do in year four because the environment's changed so much' (Health authority).

National requirements: having a deadline imposed by the government for reporting progress, as is the case in Scotland and Wales, pushed authorities into evaluating their actions. '[I]t's a hard deadline isn't it, so that, yeah, that's always helpful to be honest, those kinds of things' (Local authority). The higher proportion of Scottish and Welsh authorities compared with English ones shown by the web review to have provided reports on progress (Table 7.2) probably reflects the requirements of specific duties in these countries. It is interesting to note that only around three

quarters of authorities from Scotland (73%) and Wales (78%) had reviews which we found to be easily accessible from their websites at the time when the web review was carried out. Given the legislative requirements, we would expect these authorities to have produced reports on progress. It is the accessibility of these reports that might merit further investigation.

7.5 Factors influencing impact

Since the main focus of this study was to explore how authorities have engaged with the process of setting objectives/outcomes, the discussion on the impact of actions to meet objectives/outcomes was relatively limited. Many authorities were not able to comment on the impact their actions had. However, in those cases where authorities did comment on impact, it was evident that many of the factors that shaped the effectiveness of evaluation also applied to the level of impact actions had. These included the level of (a) sectoral requirements; (b) resources; and (c) organisational buy-in. Other factors influencing impact included:

Visible recognition: in one case, staff felt more confident about disclosing their sexuality as a result of the authority joining Stonewall's Diversity Champions programme. The programme had an impact because it visibly showed the authority's desire to create an inclusive workplace, thereby increasing levels of trust and confidence among LGBT individuals. 'I think it's the fact that we are showing our commitment by joining things like the Champions programme. So I think, yeah, I think it's a bit of a trust thing' (Education authority).

Public attitudes: public attitudes and perceptions with regard to (a) sectors and (b) specific protected characteristics influenced the level of impact that equality objectives/outcomes had. For instance, one barrier to recruiting ethnic minorities within a police force was the common belief within minority communities that the police was not a suitable profession – this perception of the profession overall was exacerbated by the local ethnic minority population not feeling represented by the local police force. In contrast, one interviewee identified the increasingly positive attitudes towards LGBT individuals on a national level as a contributing factor for the rise of students at the local further education college disclosing their sexuality or gender identity.

Targeted equality training: targeted training that is relevant to people's jobs was seen to enhance individuals' confidence with equality issues. One example included a local authority, where training was the key driver for mainstreaming equality:

> Training people would mainstream it into a day-to-day operation. And it's
> this little golden thread that goes through everything that we do. And that
> needed communication … so it's not a standalone objective. It is ingrained
> into what we do, so when I do the training we talk about our daily roles
> and giving case studies about how equality can impact every day roles,
> and the things that we do and the language that we use. And it's making it
> a real subject for people, not just … from an exercise book that's
> completely separate to what they do in their everyday role (Local
> authority).

7.6   Summary and key learning

This chapter considered the evaluation of equality objectives/outcomes and their
impact across authorities in England, Wales and Scotland, with a focus on the
factors that facilitated or hindered evaluation and impact.

Organisational factors, such as the level of resources and organisational culture,
were vital in influencing the effectiveness of evaluation and the level of impact that
objectives/outcomes had. Resources were not just financial but also included the
time and expertise needed to evaluate. Similarly, an organisational culture conducive
to equality and diversity went beyond having senior leadership or a dedicated
equality lead driving the equality agenda, as important as this was for achieving
impact and ensuring evaluation took place. For actions to have an impact for both
the organisation and the individuals representing protected characteristics, a process
was required that: (a) spelled out individuals' different responsibilities for evaluating
actions; and (b) ensured actions were regularly reviewed. Getting people within the
organisation to buy in to the equality agenda and make a difference also
necessitated: (a) meaningful and targeted equality training; and (b) actions that
spoke directly to the different equality objectives/outcomes.

Country-specific requirements were another factor that influenced whether and how,
evaluation happened. Welsh and Scottish public authorities were positive about the
requirement to publish progress annually and every two years respectively, as this
provided a clear timeline for action. Sectoral frameworks that stipulated what was
needed also facilitated action and were seen to improve the likelihood of achieving
the desired objectives/outcomes.

Due to the varying circumstances and contexts, there is no one-size-fits-all approach
to determine how authorities should evaluate and achieve impact of actions.

However, the findings support the following three good practice principles that ensure robust evaluation and impactful actions. Importantly, these principles are not dependent on the size, sector, country and/or financial resources of an authority.

- **Having an action plan in place that incorporates evaluation**. This is crucial for two reasons: (a) an action plan facilitates organisational buy-in, accountability and ownership; and (b) by considering how objectives/outcomes will be evaluated from the start, the likelihood of objectives/outcomes being specific and measurable is enhanced.

- **Reviewing progress continuously**. Reviewing objectives/outcomes on an ongoing basis is important for three reasons: (a) it allows organisations to be responsive to any changes; (b) it mainstreams equality work; and (c) it keeps equality on the radar, which is especially relevant for those individuals with additional responsibilities alongside their equality work.

- **Visibility communicates recognition and inclusiveness**. Making visible changes to the physical environment (for example having a gender neutral toilet on site) is a practical and impactful way to make members of protected characteristic groups feel included, as well as addressing their specific needs. Recognising difference and inclusiveness can also be achieved through visible commitments to equality, such as signing up to sectoral equality frameworks (for example Athena SWAN, Stonewall Workplace Equality Index).

8 | Conclusion

The aim of the study was to understand the effectiveness of the PSED through examining how authorities have engaged with a key part of specific duties across England, Scotland and Wales: the setting and implementation of equality objectives/outcomes. The study also reviewed the evidence to assess the effective ways in which positive duties can be drafted, monitored and enforced through legislation. This concluding chapter summarises the key insights from each strand of the work, and the higher level implications that stem from them.

8.1   Positive duties: learning from the evidence review

Summary and insights for equality bodies

The evidence review examined insights from the relevant literature in relation to three thematic areas relevant to the PSED: drafting, monitoring and enforcement. The aim of the review was to identify how positive duties can be drafted, monitored and enforced through legislation, in ways that can be applied to the PSED. Across drafting, monitoring and enforcing positive duties, three key factors have particular relevance for the PSED and implications for equality bodies such as the Commission.

Consultation and collaboration: within the literature, there was a wide consensus that drafting duties should be informed by meaningful consultation with relevant stakeholders. This was to ensure: (a) that the objectives/outcomes of the duty are achieved; and (b) that buy-in is achieved from authorities tasked with implementing the objectives/outcomes. Similarly, monitoring was considered most effective when it involved a collaborative relationship between national, sectoral and local monitoring bodies. The involvement of sectoral or local monitoring bodies was believed to enable such agencies to: (a) be responsive to contextually specific differences on the local and sectoral level; and (b) harness their sectoral or local expertise to deal with these. As with monitoring, enforcement was regarded as most effective when a

range of enforcement agencies were involved, with self-regulation preceding any intervention from the Commission. Such a multi-agency model was most likely to achieve a balance between self-regulation and external regulation, which is at the core of positive duties.

Three implications concerning consultation and collaboration for equality bodies, such as the Commission, arise. First, any changes to the general or specific duties of the PSED require a detailed consultation process with key stakeholders (for example protected groups, equality experts, pressure groups) to achieve the desired outcome for the duty. Second, the importance of sectoral and local involvement in monitoring necessitates a close working relationship between the different sectoral regulators and the equality body tasked with monitoring authorities' compliance with the duty. Third, a model that combines self-regulation and external regulation illustrates that equality bodies with enforcing powers such as the Commission are a last resort, should self-regulation and engagement with interest groups not result in compliance.

Leadership and legal authority: the evidence highlighted the need for a designated equality body with the legal authority to monitor compliance with the duty. The importance of this centred on giving authorities the needed 'push' to adhere to the duty. Correspondingly, an effective way of enforcing a positive duty revolved around having an independent enforcement agency: (a) with clear leadership status, providing guidance as well as supporting authorities with frequent dialogue; and (b) with the necessary legal authority to spearhead the enforcement process.

However, a recurrent theme in the literature was equality bodies' limited capacity to fulfil this leadership role due to financial constraints. This suggests that the legal authority to enforce compliance is most effective when appropriate financial and human resources are in place. This means that authorities' awareness of equality bodies such as the Commission being under-resourced may unintentionally invite non-compliance.

Clarity, prescription and flexibility: the evidence highlighted the importance of a positive duty with clear objectives/outcomes and terms of reference, to ensure clarity of interpretation by public authorities and to aid implementation. A positive duty was also seen as having to be flexible enough to allow public authorities to: (a) identify key issues; (b) determine how they will address these; and (c) assess their performance.

There are two implications of this. First, contextual differences between authorities, such as the different requirements due to sectoral frameworks, illustrate the importance of there being sufficient flexibility for authorities to apply the duty to fit

their respective needs. This means that there cannot be a one-size-fits-all approach to applying the duty due to contextual differences on an organisational, sectoral and national level. Second, on a practical level, the differences in expertise and knowledge among equality leads make it particularly important for the duty to be clearly understood.

8.2   Positive duties: learning from the web review

Summary and insights for authorities

The vast majority of public sector authorities did have publicly accessible equality objectives/outcomes on their websites, with Scottish authorities being the leaders in this respect.

Looking across the sectors, the web review showed that education authorities were more likely than the comparison group (health authorities) to make reference to advancing equal opportunities in their equality objectives. Local authorities and police authorities were less likely than health authorities to mention drawing on information relating to national or sectoral priorities, or quantitative or qualitative evidence.

The web review showed the following differences between sectors in terms of the content of objectives:

- Health authorities were less likely than authorities in any of the other sectors to mention occupational segregation in their equality objectives.

- Compared with health authorities, local authorities were more likely to mention the protected characteristics of age and gender and also more likely to mention other disadvantaged groups not covered by the protected characteristics. They were more likely to mention pay gaps and employment practices related to applications and appointments.

- Police authorities were less likely than health authorities to mention age and sexual orientation. However, they were more likely to mention employment practices relating to applications and appointments, promotions and representation in senior roles, and sickness/staff leaving. They were also more likely to mention satisfaction with services.

- Education authorities had more objectives/outcomes on average than those from other sectors, and they were the most likely to have at least one objective that was specific and measurable. They were more likely than health authorities to mention the protected characteristics of gender, gender reassignment/transgender, and religion/belief. Within the area of employment practice, they were more likely than health authorities to mention pay gaps and promotion. They were, however, less likely than health authorities to mention satisfaction with services.

Compared with health authorities, those from the three other sectors were all more likely to provide reports on progress against equality objectives/outcomes by gender. Local and education authorities were more likely to report progress by disability, gender reassignment/transgender, and religion/belief groups, and by those with other disadvantages not specified as protected characteristics. In addition, local authorities were more likely to report on progress by age and sexual orientation, and to provide a clear narrative about reasons for achievement or non-achievement. Education authorities were more likely to report on progress by race/ethnicity, and to include quantitative evidence in their progress reports.

Comparing the three nations, the web review found that Scottish and Welsh authorities tended to have more equality objectives/outcomes than English authorities, and that they were more likely to mention each of the protected characteristic groups than English authorities were. Welsh authorities were particularly likely to mention 'other' disadvantaged groups not covered by the protected characteristics. Scottish authorities were also more likely than English ones to set objectives/outcomes mentioning these groups.

Scottish and Welsh authorities were more likely than English ones to mention each of the three general aims of the equality duty, and more likely to show that they had drawn on national priorities, quantitative evidence and qualitative consultation in drawing up their equality objectives. Scottish authorities were also more likely than English ones to mention drawing on sectoral priorities.

Compared with English authorities, Scottish and Welsh ones were more likely to mention pay gaps and training in their equality objectives. Scottish authorities were more likely than English ones to mention occupational segregation, service delivery outcomes and the take-up of services.

Compared with authorities in England, those in Scotland and Wales were more likely to provide reports on progress against equality objectives. They were also more likely to report on progress by gender, gender reassignment/transgender, and sexual

orientation, and to provide a clear narrative about the reasons for achievement or non-achievement of equality objectives. Scottish authorities were also more likely than English ones to report on progress by age, disability, pregnancy/maternity and religion/belief, and to include quantitative and qualitative evidence in their reports. Welsh authorities were the most likely to report on the progress of groups with other disadvantages not specified as protected characteristics.

8.3   Objective/outcome setting and implementation

Summary and insights for equality bodies

The report traced the journey undertaken by authorities in selecting, setting up and implementing objectives/outcomes. In reviewing the effectiveness of the PSED, a key insight was the importance of acknowledging that authorities did not engage with it in isolation; rather, their engagement was influenced by contextual factors that informed their experience and decision-making throughout the journey. There were three contextual factors:

- **national factors**, relating to the policy and legislative landscape, the economic climate and other national initiatives
- **sectoral factors**, including the role of equality frameworks and guidelines, the influence of regulators and the importance of public opinion, and
- **local factors**, including those relating to the organisation and the local area.

An understanding of these contextual factors is important, as they help to account for differences in experiences and approaches across sectors, as well as within sectors. For example, the differences between sectors sometimes related to the degree to which authorities shaped their objectives/outcomes to meet the key equality themes (for example workforce development, patient care etc.) that were either recommended or prescribed by sectoral equality frameworks. Similarly, variations in the process by which objectives/outcomes were set within a sector could be attributed to local factors, such differences in the organisational resources, structures and history of equality work within an authority.

There are two implications around the importance of understanding context for equality bodies, such as the Commission. First, the findings suggest that any assessment of the degree to which authorities have engaged with the PSED should take into account the sectoral and local context in which they operate. For example, an understanding of the quality of objectives/outcomes should take into

consideration the sectoral and organisational requirements and circumstances that these objectives/outcomes speak to, in addition to whether they are SMART (Specific, Measurable, Achievable, Relevant and Time bound). Second, following on from the above, exploring the sectoral and local contexts in which the PSED is most/least effective could shed light on the effectiveness of the PSED as a whole in driving forward the quality agenda in authorities.

Summary and insights for authorities

There were also a set of insights and implications that related specifically to the local context of authorities. In this regard, the study identified good practice specific to the different stages of the design and implementation of objectives/outcomes. However, there were five good practice implications that cut across this decision-making process, outlined in Figure 8.1.

Figure 8.1 Good practice implications for authorities
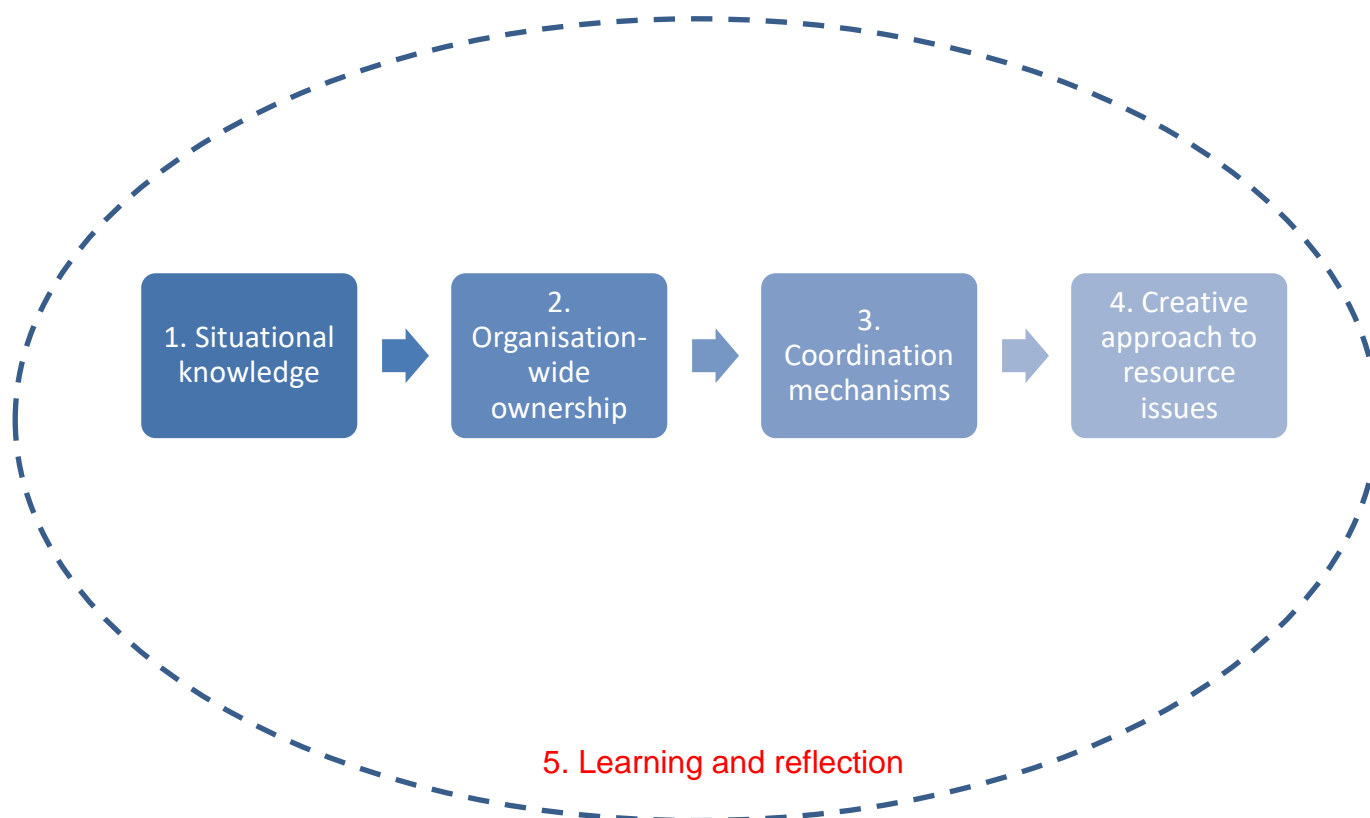
In principle, situational knowledge implied that an authority had a clear and accurate picture of the key equality challenges facing its sector and organisation, enabling it to target objectives/outcomes appropriately. It also meant shaping objectives/outcomes to reflect how well-developed equalities work was in an organisation. This sometimes meant that the authority had both a set of foundational objectives/outcomes, designed to build the capacity of the authority to meet equality challenges, and direct objectives/outcomes, designed to tackle specific equality issues. Key facilitators that helped to provide an accurate picture included drawing on sectoral and organisational data, and, where possible, consultations with staff and protected groups to understand issues from their perspective.

Promoting organisation-wide ownership was about involving key parts of the organisation in the development and implementation of objectives/outcomes. This was important for two reasons: first, to ensure that equalities work was mainstreamed within an organisation, so that it was considered core to the everyday functioning of the authority, rather than the responsibility of equality leads. Second, for the pragmatic purpose of ensuring that the effort needed to deliver this work was shared across the organisation and assigned to people that were most able to

deliver. Key facilitators to organisational buy-in included integrating equality objectives/outcomes into the day-to-day business needs of an organisation (for example its strategic plan) and ensuring there was buy-in from senior and middle management teams.

However, this dispersion of accountability requires coordination mechanisms in place to ensure equalities work does not get lost in the multiple and competing organisational priorities. Two key mechanisms interviewees mentioned were: (a) the importance of equality leads (either individuals or groups) with the time and investment to drive equalities work in the organisations; and (b) the use of structured tools that made equalities work a daily part of the organisation's functioning. These included variations of equality action plans and equality impact assessment tools.

Creatively working around resource issues was another important good practice point. This was particularly important, as challenges around having the time, finances and expertise to develop and deliver objectives/outcomes was a recurrent theme in the study. There were two key facilitators: (a) drawing on the statutory nature of the PSED and/or sectoral frameworks to support requests for more resources within organisations; and (b) partnership work with other organisations in the same sector or across sectors to share funding, expertise and responsibilities.

Underpinning all of these suggestions was the importance of organisations learning from successive rounds of setting and implementing objectives/outcomes. This was considered important in helping to develop practices around what worked well and less well.

8.4   Further research

This study suggests three key directions for further research. First, the study explored the interaction between the national, sectoral and local contexts within the four sectors of education, health, local authorities and police. It would be helpful to explore whether these factors are also important in other sectors and, if so, what further collective insights this can provide for how the factors interact with the PSED.

Second, the main focus of this study was to explore how objectives/outcomes are set, although it did provide some insights into their implementation. However, further research is needed particularly around the impact of objective/outcome setting. This would help understand whether setting objectives/outcomes is having an impact and

if so, the types of impacts it is having. Further research could then illuminate what it is about objective/outcome setting and delivery that is responsible for these impacts.

Third, and related to impact, further research is needed into the challenges of addressing all protected characteristics. Due to particular sectoral challenges (for example the under-representation of ethnic minorities in the police force, or under-representation of women in science, technology, engineering and mathematics), the focus within public authorities might be directed towards addressing some protected characteristics more than others. Further research could examine good practice examples of authorities that address the needs of community members with protected characteristics without creating a hierarchy of equality.

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Appendix A: Methodology

This section provides further details of our approach for the three phases of the study: review of secondary evidence, review of web-based information, and the qualitative telephone interviews.

Phase 1 – Review of the secondary evidence

A rapid evidence review approach was used comprising three stages: (a) an initial search of the evidence; (b) an assessment of the evidence with a view to selecting up to 38 items; and (c) a rapid review of these items.

The search process

The search strategy aimed to gather both academic evidence and that contained in the grey literature. The search involved three elements: (a) a systematic search of selected databases; (b) web-based searches of other equalities bodies, specific government departments, sector-based representative organisations and regulators to access the grey literature; and (c) a snowballing exercise to gather evidence from the references in already identified literature and drawing on the Commission's and our expertise. These approaches are summarised in Table A.1.

Table A.1   The search strategies for the evidence review

| Search element	Details
Database search	• Google • Google Scholar • OpenSIGLE (grey literature in Europe) • Social Sciences Citation Index (SSCI) • IBSS

Specific web-based searches	• **Equalities bodies**
	  o Government departments – relating to the four sectors, including:
	  o The Government Equalities Office
	  o Department of Health and the Department for Education
	  o The Home Office
	• **Regulators across the four areas – including**
	  o The Higher Education Funding Council for England (and the Scottish and Welsh equivalents)
	  o The Local Government Association (and the Scottish and Welsh equivalents)
	  o The Care Quality Commission for health
	  o Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services
	• **Sector-based representative organisations including:**
	  o Clinical Care Groups
	  o The National Police Chiefs' Council

Snowballing	• Identified evidence: Where appropriate, we draw on the references from sources identified through the searches above to provide additional targeted evidence • The Commission's expertise

The search terms and parameters used for the evidence review are set out in Table A.2.

Table A.2   The search parameters for the evidence review

Search term/parameter	Details
Search parameters	• Date: Publications from 2010, to reflect the introduction of the Equality Act and to ensure the publications are recent • Language: Publications in English • Countries: Focus on Great Britain and Northern Ireland, with limited focus on European countries and other English-speaking nations
Search terms	Combinations of the following two search strings: "Equalit* AND dut*" and "Equalit* AND public sector*" with each of the search terms listed below: • Draft* dut* • Monitor* dut* • Enforc* • Support* • Guidance • Research • Review* • Evidenc

A total of 65 items of evidence were identified during the search and 'snowballing' stage. Figure A.1 provides an overview of the evidence identified.

Figure A.1 Evidence yielded at different stages of the search
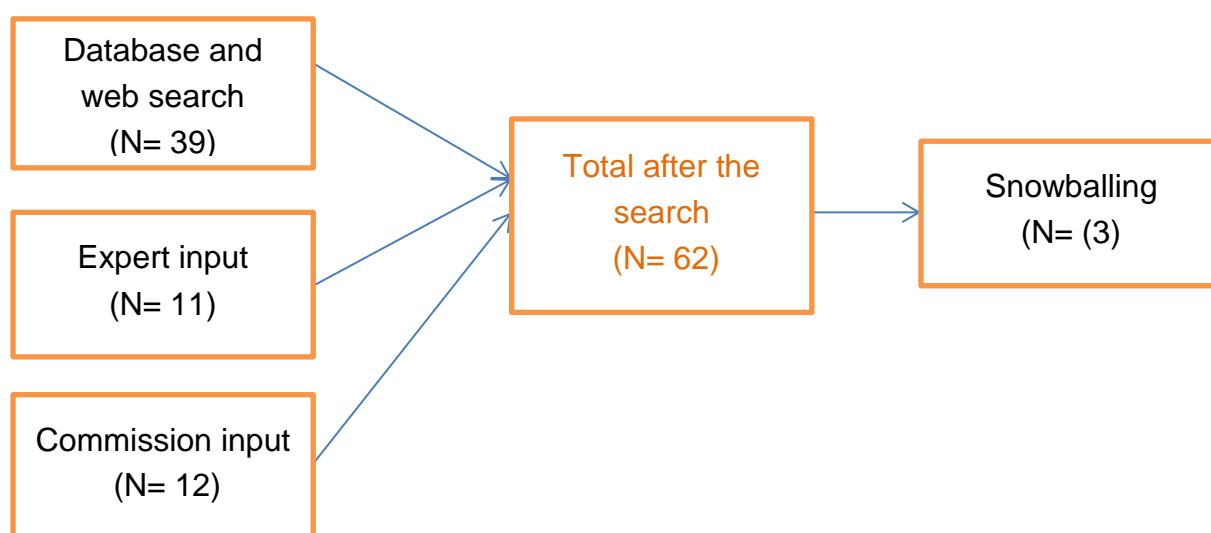
Assessment of the evidence

The references identified for each type of evidence were assessed against clear criteria of relevance and robustness. This involved reading abstracts or executive summaries and rating each item according to the assessment criteria in outlined in Table A.3. At this stage 38 items of evidence were identified for the review process, although this was reduced to 36 during the review process as two items of evidence were found not to be relevant.

Table A.3   The evidence assessment criteria

Criteria	Assessment
Relevance	Evidence rated from 0 (not relevant) to 2 (highly relevant) according to whether it related directly to the objectives of the study. The evidence was rated as follows: • **Score 0** – If evidence does not relate to the PSED/other duties or provides only a descriptive (not evaluative) account of these • **Score 1** – If evidence relates to the drafting, monitoring and/or enforcing of the PSED directly or other duties – with a focus on what works well and why
Robustness	Assessment of the methodological rigour of the evidence. Across different methodological approaches, the evidence was rated as follows: • **Score 0** – No discussion on how sampling and data collection took place and the rationale behind this • **Score 1** – Explicit but incomplete/limited statements around either sampling or data collection • **Score 2** – Explicit statements on sampling and data collection and the rationale behind this Evidence reviews were not rated as these did not draw on primary evidence.

The review

The rapid evidence review entailed extracting key information from relevant parts of the 36 pieces of evidence (typically, executive summaries, methodology, findings and conclusion sections) and summarising these using analytical matrices ('charts') that directly addressed the study's main aims.

Phase 2 – Review of web-based information

Sample

The research used a random sample of public authorities, stratified by country (England, Scotland and Wales) and by sector (health, local authorities, police authorities and further and higher education authorities). Sampling fractions and bases in each category are shown in Table A.4.

Table A.4   Fraction of authorities sampled by country and sector

	England (no.)	Scotland (no.)	Wales (no.)	All
Further and higher education	5/16	7/8	7/8	233
Health	5/16	7/8	7/8	297
Local authorities	5/16	7/8	7/8	231
Police	10/16	All	All	51
Base	612	131	69	812

Organisations included in the base categories are as follows:

- Health, England: 236 NHS trusts, 4 regional teams, 208 clinical commissioning groups
- Health, Scotland: 14 regional NHS boards, 7 special NHS boards and 1 public health body, 32 health and social care partnerships
- Health, Wales: 7 local health boards, 3 NHS trusts, 7 community health councils
- Local authorities, England: 354; Scotland: 32; Wales: 22
- Police, England: 39 police forces, 6 UK-wide authorities; Scotland: 2 police authorities; Wales: 4 police forces
- Further and higher education, England: 110 universities and 218 further education colleges
- Further and higher education, Scotland: 44 universities and further education colleges

- Further and higher education, Wales: 10 universities and 15 further education institutions

The total number of websites reviewed was 383, including one UK-wide body which is not included in Table A.5 as providing further details could be disclosive. The breakdown of websites reviewed by country and sector is shown below.
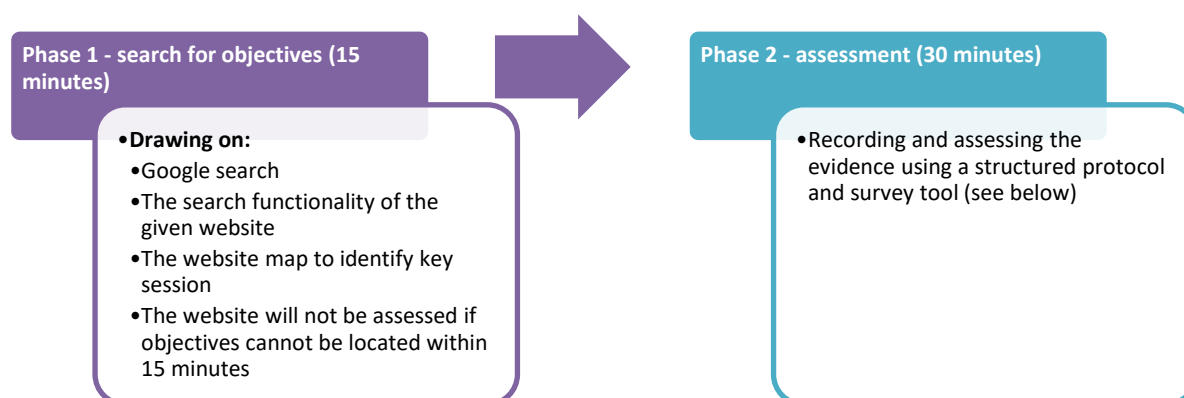
Table A.5   Number of websites reviewed by country and sector

	England (no.)	Scotland (no.)	Wales (no.)	All
Further and higher education	62	33	19	114
Health	85	39	13	137
Local authorities	66	25	17	108
Police	17	2	4	23
Base	230	99	53	382

Web review approach

Our strategy mirrored the systematic approach used by the Commission in England in 2012. Up to one hour was allowed for the review of each website, with the expectation that the reviews would take an average of 45 minutes to complete (see Figure A.2).

Figure A.2   The web review approach

Phase 1 - search for objectives (15 minutes)
- **Drawing on:**
- Google search
- The search functionality of the given website
- The website map to identify key session
- The website will not be assessed if objectives cannot be located within 15 minutes

Phase 2 - assessment (30 minutes)
- Recording and assessing the evidence using a structured protocol and survey tool (see below)

A survey tool was used to assess each website on three areas: (a) evidence of objective setting; (b) details of the objectives set; and (c) the reporting of outcomes. This tool is reproduced as Appendix C. The tool was piloted on 20 organisational websites. Further cross-checking was conducted in the course of the review to ensure consistency between the assessments of different reviewers.

Phase 3 – Qualitative telephone interviews

Sampling

The web review was used as the basis for drawing a diverse sample of public authorities to be interviewed in more depth. The sample reflected diversity across two key criteria:

- the **four sectors** (health, local authorities, police, and further/higher education); and
- the **three nations** of England, Scotland and Wales.

Final sample numbers for the depth interviews, by country and sector are shown in Table A.6.

Table A.6   Achieved sample for interviews

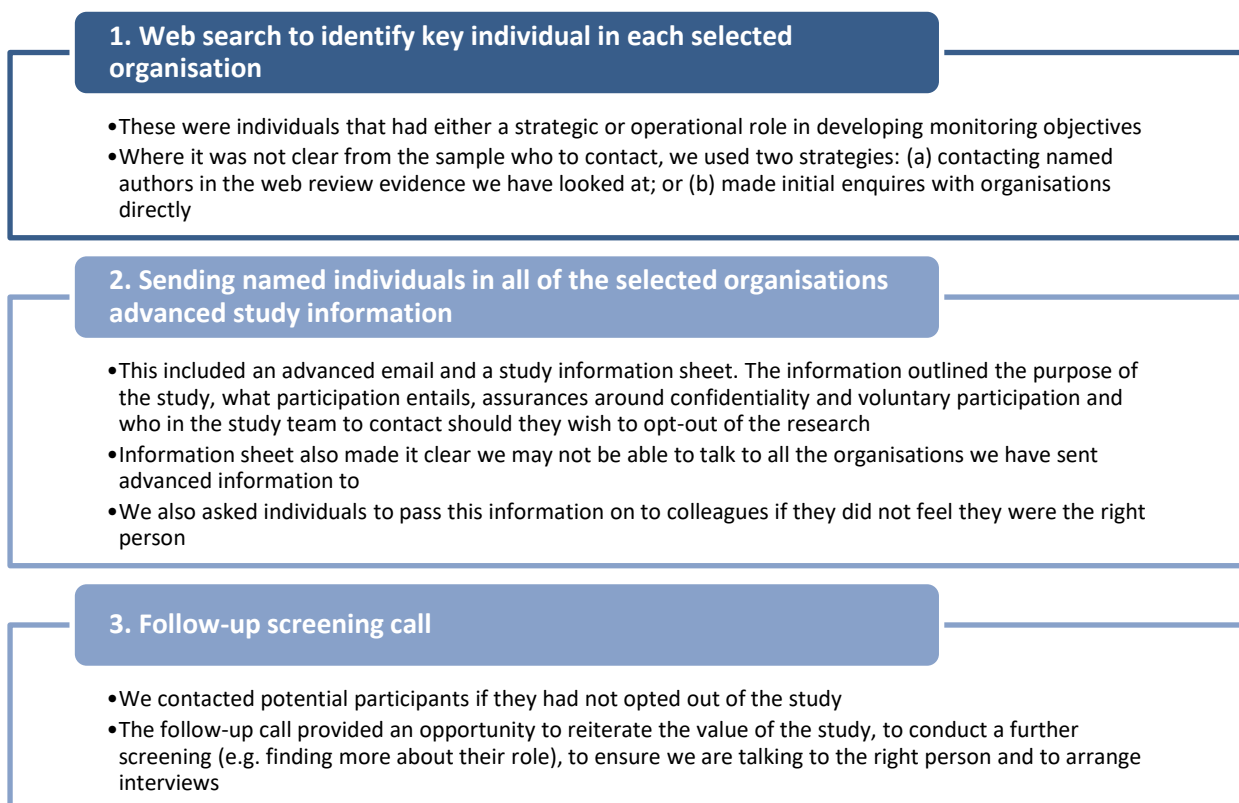|	England (no.)	Scotland (no.)	Wales (no.)	Total
Further and higher education	6	3	3	12
Health	6	3	2	11
Local authorities	6	2	1	9
Police	4	0	1	5
Total	22	8	7	37

Recruitment

An opt-out recruitment process was used, informed by the following key ethical principles:

- **Informed consent**. Recruitment materials provided clear information about the study, what participation would entail, appropriate and measured assurances around confidentiality and contact details for a single point of contact at NatCen.
- **Ensuring consent is voluntary**. The recruitment materials made it clear that participation was voluntary and that the decision to participate or not to would not affect interviewees adversely.

The opt-out process involved three stages, outlined in Figure A.3.

Figure A.3   The interview recruitment process

1. Web search to identify key individual in each selected organisation

- These were individuals that had either a strategic or operational role in developing monitoring objectives
- Where it was not clear from the sample who to contact, we used two strategies: (a) contacting named authors in the web review evidence we have looked at; or (b) made initial enquires with organisations directly

2. Sending named individuals in all of the selected organisations advanced study information

- This included an advanced email and a study information sheet. The information outlined the purpose of the study, what participation entails, assurances around confidentiality and voluntary participation and who in the study team to contact should they wish to opt-out of the research
- Information sheet also made it clear we may not be able to talk to all the organisations we have sent advanced information to
- We also asked individuals to pass this information on to colleagues if they did not feel they were the right person

3. Follow-up screening call

- We contacted potential participants if they had not opted out of the study
- The follow-up call provided an opportunity to reiterate the value of the study, to conduct a further screening (e.g. finding more about their role), to ensure we are talking to the right person and to arrange interviews

Interview approach

Interviews were conducted by telephone, lasting no longer than an hour. They were based on a detailed topic guide presented in Appendix C. The guide was used flexibly, meaning that the topics covered and the order in which they were discussed varied across the interviews. Researchers aimed to use open-ended, non-leading questions, and answers were fully probed and mined for detail to explore the decision-making process as fully as possible. With the consent of interviewees, all interviews were audio-recorded and transcribed verbatim to aid comprehensive thematic analysis.

The transcripts were managed and analysed using the framework approach. Data are organised using matrices that not only enable thematic analysis across cases, but also analysis within and between cases, thereby facilitating the development of typologies and allowing explanatory analysis to be undertaken (Ritchie *et al.*, 2014).

Appendix B: Web review survey tool

PSED Web Search Tool

This search tool is designed to guide you through your review of the equality objectives and outcomes on the websites that you have been asked to assess. You will need to switch backwards and forwards between the survey tool and the website(s).

Please make sure that you have the printed "Briefing notes for PSED Web Reviewers" next to you as you work. These provide more detailed instructions and are there for reference as you progress through the survey.

If you need to go back and change something, you can do this using the 'Previous' button.

Background:

The PSED came into force on 5 April 2011. It ensures that all public authorities play their part in making society fairer by tackling discrimination and providing equality of opportunity for all, and that they consider the needs of all individuals in their day to day work. This can include their service delivery, their own employment practices, and the ways in which they shape policies more generally.

The PSED means that public authorities are now required by law to publish objectives (England and Wales) or outcomes (Scotland) which set out the ways that they intend to make progress on the three main equality aims (in Scotland, these may be called "needs"), relating to eliminating unlawful discrimination, advancing equality of opportunity, and fostering understanding and good relations between different groups of people.

Your briefing notes list the groups with protected characteristics who are legally covered by equality duties, but authorities might also decide that it is important to tackle disadvantage experienced by other groups.

This survey tool will help you to assess the quality of objectives/outcomes, and will also ask you to look for published information on the actions taken as a result of these.

Specific requirements of the duties vary between England, Scotland and Wales. This survey requires you to address all issues for authorities in each of these three nations. We are interested in the extent to which requirements in one have influenced practice in the others.

It is very important that you don't go over the time limits set as we have a lot of websites to review in a short space of time and we are also assessing whether or not the public would be able to find information within a reasonable period of time.

For example, if you have not found any equality objectives/outcomes in the first 15 minutes, please select 'No' for question 6. You will then be taken to the final part of the survey.

The whole process should take no more than 45 minutes, but it might take a little longer to start with. Depending on the number of documents you need to look at, you should be able to review some websites in around 30 minutes. If you find it is taking significantly longer than 45 minutes, or if you have any questions, please get in touch with me (JL).

Q1: Please write in your initials

Q2: Write in serial number of website from sample sheet (A1-A812)

Q3: Please write in the name of the organisation you are assessing (e.g. 2gether NHS Foundation Trust):

Q4: Please copy the web address for the main site here:

Q5: Please enter the organisation country (from sample sheet). Only enter 'UK-wide' if this is actually the country given on your sample sheet.

> England
> Scotland
> Wales
> UK-wide

Q6: Please enter the sector of the organisation (from your sampling sheet):

> Health
> Local authority (LA)

Police

Further and Higher Education (FHed)

Please start your timer and search for equality objectives/outcomes for no more than 15 minutes using the methods described on your printed briefing sheet (please read this carefully and follow the instructions exactly!).

Q7: Did you find any equality objectives/outcomes within the 15 minute timeframe? (You are looking for specific statements that set out what an organisation intends to achieve in terms of improving equality. In England and Wales they will be called "equality objectives" and in Scotland they are likely to be called "equality outcomes". If you find clear statements such as this but they are called something else, please tick the second option to let us know this.)

Yes, found equality objectives/outcomes listed

Found statements that appeared to be objectives/outcomes but called something else

No

Q8: Which method was successful in finding the equality objectives?

Method 1: website search

Method 2: equality section

Method 3: plan or report

Q9: Please summarise the information about the dates of the equality objectives/outcomes that were accessible from this website (i.e. found within 15 minutes):

Two or more sets of dated equality objectives/outcomes were accessible, referring to different periods of time

One set of dated equality objectives/outcomes was accessible

All equality objectives/outcomes were undated

No equality objectives/outcomes found

Q10: Looking at the most recent set of equality objectives/outcomes that you found, please select the year that these start from (e.g. if the objectives are dated from 2016 to 2020, then select 2016)

2010

2011

2012

2013

2014

2015
2016
2017
Date unclear or not stated

Q11: Again, looking at the most recent set of equality objectives/outcomes that you found, please select the year that these end (e.g. if the objectives are dated from 2016 to 2020, then select 2020)
2013
2014
2015
2016
2017
2018
2019
2020
2021
Date unclear or not stated

Q12: Thinking about the set of equality objectives/outcomes that were set before the most recent ones (the previous set), please select the year that these started from (e.g. if the objectives are dated from 2012 to 2016, then select 2012)
2010
2011
2012
2013
2014
2015
2016
Date unclear or not stated

Q13: Again, looking at the previous set of equality objectives/outcomes that you found, please select the year that these ended (e.g. if the objectives are dated from 2012 to 2016, then select 2016)
2013
2014
2015
2016
2017
2018

2019
2020
Date unclear or not stated

Q14: Looking at the set of equality objectives/outcomes that you found, please select the year that these start from (e.g. if the objectives are dated from 2016 to 2020, then select 2016)

2010
2011
2012
2013
2014
2015
2016
2017
Date unclear or not stated

Q15: Again, looking at the set of equality objectives/outcomes that you found, please select the year that these end (e.g. if the objectives are dated from 2016 to 2020, then select 2020)

2013
2014
2015
2016
2017
2018
2019
2020
2021
Date unclear or not stated

Q16: Please copy here the web link(s) for the page or documents in which you found the most recent equality objectives/outcomes.

Q17: Make a careful count of the equality objectives/outcomes from the most recent period that you found. Enter the number of objectives/outcomes the organisation has published in these pages and documents. If there are sub-objectives/outcomes, please just count the number of main ones. Enter the number of objectives/outcomes in the box. (0 - 50)

For the questions assessing the equality objectives/outcomes, please base your answers on an overall assessment of the details of any or all of those from the most recent set (as required by the question), rather than an assessment of each individual one. You should also consider more detailed information presented alongside main objectives/outcomes which gives more information about the intention behind them. This might be defined as sub-objectives/outcomes or as action points.

Q18: Have any of the following types of information been used to support the choice of equality objectives/outcomes? (Information might be used in explanation of the reasons for choosing equality objectives/outcomes, or might be presented within the text of the equality objectives/outcomes or sub-objectives/outcomes themselves. As well as looking at the text of the objectives/outcomes themselves, please skim through the document to see if there is any other narrative around the reasons for choosing them).

> National equality priorities, such as those set out in Is Britain Fairer? Is Wales Fairer? or Is Scotland Fairer?
> Sectoral (e.g. for health service) or local (e.g. for a particular area/region) priorities?
> Quantitative data, such as figures from a survey
> Findings from an engagement or consultation exercise
> None of these

Q19: Does the text of any equality objective/outcome, or the explanation for selecting objectives/outcomes, make any reference to eliminating discrimination, harassment, or victimisation?

> Yes
> No

Q20: Does the text of any equality objective/outcome, or the explanation for selecting objectives/outcomes, make any reference to advancing equality of opportunity between people with a protected characteristic and others? Such references might mention removing or minimising disadvantages experienced as a result of having protected characteristics, meeting the needs of people with protected characteristics, or encouraging people with protected characteristics to participate in activities, e.g. where their current participation is low.

> Yes
> No

Q21: Does the text of any equality objective/outcome, or the explanation for selecting objectives/outcomes, make any reference to fostering good relations between people with protected characteristic and others? Such references might also mention tackling prejudice or promoting understanding between people who share a protected characteristic and others.

Yes

No

Q22: Which of the following protected characteristics are explicitly referred to in the equality objectives/outcomes (please also tick if the characteristics are referred to in sub-objectives/outcomes presented as a way of giving more detail about the main ones)?

Age

Disability

Gender

Gender reassignment or transgender

Marriage and civil partnership

Pregnancy and maternity

Race/ethnicity

Religion/belief

Sexual orientation/LGB

Any individual objective/outcome states that it's for people with protected characteristics

None of these

Q23: Do any of the equality objectives/outcomes refer to groups with other kinds of disadvantages (for example, homeless people or those on low incomes)? If so, please list which "other" types of characteristics are mentioned, in the box provided.

Yes

No

Q24: Do any equality objectives/outcomes cover the aspects of employment policy or practice listed below (please select all that are covered)?

Applications and appointments

Pay gaps

Promotions or representation in senior roles

Occupational segregation between people with protected characteristics and others

Discrimination, harassment, bullying or grievances

Sickness absence or staff leaving

Job satisfaction
Training
None of these

Q25: Do any of the equality objectives/outcomes cover the aspects of service delivery-related policy or practice listed below? If so, please tick all that apply.

Service delivery outcomes
Complaints, or satisfaction with services
Service take-up
None of these

The following questions ask for information about the extent to which equality objectives/outcomes were specific and measurable. Please consider the main objectives/outcomes together with any sub-objectives/outcomes presented alongside them. You are looking first for evidence that any objectives met these criteria, then you are asked to summarise whether all, some or none met the criteria.

Q26: Do any of the objectives/outcomes contain specific references to the types of people they are aimed at? For example, they might refer to people with protected characteristics, to any of the individual protected characteristics (e.g. gender), or to other specific disadvantaged groups (e.g. care leavers, homeless people)?

Yes
No

Q27: Do any of the objectives/outcomes refer to an area of policy, function or practice where equality improvements are needed (for example, closing gaps in pay between those with protected characteristics and others, or improving the take up of services for a particular disadvantaged group)?

Yes
No

Q28: Do any of the objectives/outcomes make specific reference to the amount or type of improvement required? (Remember that the amount of improvement that is aimed for needs to be stated - examples might be a 1% improvement in success rates each year for people with protected characteristics, or an improvement from 85% to 95% of people believing they are treated fairly. Saying that 100% will find the organisation to be treating people equally is not providing a measurable amount of improvement if no starting point is given. Qualitative improvements may be more difficult to measure but they might, for example, mention positive changes in the types of experiences mentioned by service users)

Yes

No

Q29: Do any of the objectives/outcomes make specific reference to the timeframe in which objectives should be achieved (e.g. by giving a date)?

Yes, gives month and year when at least one objective/outcome should be achieved

Yes, gives year but not month when at least one objective/outcome should be achieved

No, no dates given

Q30: For this question, you need to consider what proportion of the equality objectives/outcomes (together with any sub-objectives/outcomes presented alongside them) meet all of the 4 criteria for being specific and measurable?

An example of an objective/outcome that does meet all four of these would be: "Increase the proportion of people from ethnic minorities in senior roles from 2% to 5% by 2018". This refers to:
 - people from ethnic minorities (a specific group of currently disadvantaged people)
 - representation of this group in senior roles (an employment policy issue)
 - the amount of improvement required - an increase from 2% to 5%, and
- a date by which this improvement should be achieved - 2018.
You need to assess whether any of the most recent set of objectives/outcomes met all four of the criteria, whether all of them did or whether none of them did.
 - specific reference to one or more protected characteristics
 - specific reference to a policy, function or practice
 - specific reference to the quantity of improvement required, and
 - specific reference to the timeframe for achieving this improvement)

All equality objectives/outcomes are specific and measurable

At least one objective/outcome is specific and measurable

None of the objectives/outcomes are specific and measurable

Q31: Were any objectives/outcomes explicit about the person or department responsible for delivery?

Yes

No

The next questions ask you whether the website provides access to any information about actions taken to achieve equality objectives/outcomes, or to reports on the progress that has been made towards achieving them.
Such information might relate to previous objectives/outcomes rather than the current set, which you have focused on in the quality review.
You may need to undertake some further search activity to find this information, which could be presented in different documents or pages to those considered so far. You might have come across documents or pages including this information in your initial search, but you should still consider whether you need to widen the search further at this stage. Please try searching for "equality report", "progress report", "mainstreaming report" (particularly in Scotland) and "annual report", looking out for references to equality and diversity.
However, it is important to remember that you are looking only for reports on progress as a result of specific objectives/outcomes that have been set, not general information on the position of people with protected characteristics.

Q32: Does the website or documents present any information about actions taken to achieve equality objectives/outcomes, or any reports on the progress that has been made towards achieving them.

> Yes
> No

Q33: Please copy in the web page link(s) for the page(s) or document(s) reporting on progress against objectives/outcomes:

Q34: For which of the following characteristics are there reports on progress against objectives/outcomes?

> Age
> Disability
> Gender
> Gender-reassignment or transgender
> Marriage and civil partnership
> Pregnancy and maternity
> Race/ethnicity
> Religion or belief
> Sexual orientation/LGB
> Other specific characteristics (e.g. homeless people) (please write in details):
> None of these

Q35: How regularly is progress against objectives/outcomes reviewed?

Annually
Every two years
Less frequently than every two years
No clear information on when progress is reviewed

Q36: Which, if any, of the following types of evidence were used to measure progress against objectives/outcomes?
Quantitative (e.g. for surveys or using numbers from management data)
Qualitative (e.g. points of view taken from consultations, engagement exercises or focus groups)
Unclear
No evidence cited

Q37: Were you able to find any evidence showing that objectives/outcomes were reviewed and modified in the light of the progress achieved?
Yes
No

Q38: Did the website or associated documents present any clear narrative describing the reasons why objectives/outcomes were achieved, partially achieved or not achieved?
Yes
No

Q39: Please enter the date of completing this assessment in this format: 01oct17

Q40: Please enter, in minutes, the time taken for you to complete this survey. (0 - 90)

Q41: Did your review of this website raise any issues that it would be useful for us to be aware of when analysing the data, or when selecting organisations to interview in depth? Examples might include particular difficulties that you encountered in finding or categorising information. If so, please make a note of them here.

Appendix C: Interview topic guide

Topic and purpose	Sub-topics	Probes/prompts/notes

1. Introduction
   (5 minutes)
 	
Introducing the purpose of the interview and seeking consent to interview
		• **About the funder:** *The Commission is a non-departmental body in Great Britain tasked with making Britain fairer by challenging discrimination and protecting and promoting human rights.*
		• **About the discussion and its value**: *The Commission is interested in exploring public authorities' experiences of setting up and actioning equalities objectives/outcomes under the Public Sector Equality Duty (PSED); including some of the challenges experienced. This will help them understand how public authorities have approached and engaged with the PSED and what can be done to further help drive this agenda forwards.*
		Reassurances:
		  ○ <u>No wrong or right answers</u>. It is fine to answer don't know if not sure about something. We are not judging your decisions; we just want to understand more about your decisions.
		  ○ <u>Confidentiality</u>: we will treat what you say in accordance with the Data Protection Act. Public authorities will not be named in the published report but please be aware that we are speaking to a small number of authorities and so you may be identifiable in what say.
		  ○ <u>Voluntary participation</u>: do not have to answer anything they do not want to – free to withdraw at any time.
		• **Permission to record (verbal)**: Reasons for this is to have an accurate record of what is said. Data is stored securely on encrypted digital recorder and secure

Topic and purpose	Sub-topics	Probes/prompts/notes
		folders on NatCen's computer system. Your data will be deleted at the end of the project. (Ask to repeat permission for benefit of recording, when interview commences) • **Any questions**

2. **Background**
(5 minutes)
 	
Provides useful contextual information that can be drawn on throughout interview. Also helps ease interviewee into interview
		• **Their role in organisation**
		  o General role
		  o Their role in relation to equalities
		• **Their involvement in setting up, monitoring and/or implementing equality objectives/outcomes.**
		Interviewer: Please be aware that the English and Welsh authorities will refer to 'objectives', whereas as the Scottish authorities would refer to 'outcomes'
		  o Their specific role in setting and monitoring equality objectives/outcomes
		  o How long been involved – including whether they have worked in setting objectives in both cycles

3. **Objective setting – decision-making**
(15 mins)
 	
By the end of this discussion, we will have further information on the objectives/outcomes set, how and why they were selected (including what enabled or hindered) and their thoughts on the quality of their objectives
	a. **Confirming the key (current) objectives/ outcomes and their role**	**Interviewer: Please let the interviewee know that we are dealing with the most recent objectives/outcomes set – i.e. in the last cycle.** Drawing on the web review, please print out a list of their key objectives/outcomes
		• **Confirming the key objectives/outcomes with interviewees.** *Briefly* list the objectives/outcomes and check-in with the interviewee if anything is omitted/inaccurate.
		• **The drivers behind setting up objectives/outcomes in the first place – including which were the key ones (and why)**
		  o PSED and its role in encouraging
		  o Other organisational drivers – e.g. organisational culture
		  o 'Individual champions' in their organisation
		• **Exploring how core to the functioning of the public body the objectives/outcomes are –** how central to the day-to-day functioning
		  o Explore whether objectives were explicitly designed to be part of the day-to-day activities of organisation.
		    ▪ If not, why not?

Topic and purpose	Sub-topics	Probes/prompts/notes
		▪ If so, whether interviewee agrees with core the objectives were to the day-to-day functioning in practice o Whether impact on some all protected/disadvantaged groups was explicitly considered

	b. Exploring lack of compliance (where relevant)	**Interviewer: This question is NOT relevant for Scotland and Wales.**
		• **If none has been set, explore reasons why**
		  o Key reasons why – including awareness of obligations under the PSED
		  o What would encourage them do so – particularly around what the role of regulation around this (e.g. tougher consequences)
		  o Whether they have undertaken action on equality challenges in other ways
		• **If objectives/outcomes have been set in the past <u>but</u> not recently, explore reasons why**
		• **Exploring what key objectives/outcomes they would like to set up**

	c. Decision-making process	• **Asking interviewee to talk through the decision-making process informing the objectives/outcomes setting.**
		Interviewer: Ask interviewee to respond to this spontaneously and then prompt on the following points, if these have not been covered:
		• **Who was involved and why** – including stakeholders consulted
		• **Why these objectives/outcomes were set** – including thoughts on:
		  o Proportionality and tailoring
		  o How relevance of objectives/outcomes was decided
		    ▪ How equalities challenges identified – e.g. as identified through *Is Britain Fairer?*
		    ▪ The authority's own understanding of key challenges important to their sector
		  o Any information/guidance drawn on. **Interviewer: In Scotland, authorities must publish details**

Topic and purpose	Sub-topics	Probes/prompts/notes

		of how they have gathered and used employee data to enable it to better perform the duty.
		▪ Important to explore whether any specific equality data drawn on – if so,
		  • What sources and types (including data on what characteristics collected)
		  • If not, why not
		○ How objectives/outcomes related to any previous ones set

	d. Key learning	• **Exploring key learning** – identifying key ○ Enablers – what helped them set up the objectives/outcomes ○ Challenges – what made it difficult to do this ○ Suggestions for other public authorities in their sector
4. Acting on objectives – the last set of objectives/ outcomes where possible (15 minutes) **By the end of this discussion, we will have a clearer understanding of the type of actions the public authority undertook to meet their objectives, how these were evaluated and the impact that these had on protected groups – including the range of factors that enabled or hindered impact**	**a. Confirming objectives set up in the previous round**	**Interviewer: Confirming whether the authority has set objectives/outcomes previously (i.e. before the current ones that have already been discussed).** ○ **Where they have, focus on discussing actions for these last set of objectives/outcomes** ○ **Where they have only the current objectives, focus on actions or intended relating to these** • **Confirming the key objectives/outcomes for the last round with interviewees**. *Briefly* **list the objectives/outcomes and check-in briefly with the interviewee if anything is omitted/inaccurate.**
	b. Exploring the actions taken to address these	**Ask interviewee to select two objectives/outcomes – one they feel has gone well and one that has gone less well**. • **Explore whether there was an action/implementation plan in place to meet objectives.** **Interviewer: Please note in Scotland, this will be the progress report that authorities are required to publish and that Wales and Scotland may know this by another term – explore this with them.** • **Whether they did or not, ask them to map the actions undertaken.**

Topic and purpose	Sub-topics	Probes/prompts/notes
		- Identify nature of actions and the rationale behind these - Who delivered on these actions - Whether what was intended was delivered on **Exploring key learning** – identifying key - Enablers – what helped them to act - Challenges – what made it difficult to do this - Suggestions for other public authorities in their sector
	c. Evaluating impacts	**Explore how impacts of actions were evaluated – including whether they had an evaluation/monitoring plan in place. <u>Interviewer</u>: Please note that Wales and Scotland may know this by another term – explore this with them.** - How information was collected – type of information, from who and how frequently collected/reported - How information was used/ not used **Views on how effective the evaluation approach was** **Exploring key learning** – identifying key - Enablers – what helped their evaluation - Challenges – what made it difficult to do this - Suggestions for other public authorities in their sector
	d. Impact on relevant protected/ disadvantaged groups of these actions	**Explore what impact the actions have had on relevant protected groups or other disadvantaged groups that were the subject of the objectives.** - Identify the range of impacts, if any - Identifying the factors underpinning these impacts - What was it about the actions that led to/limited impact - Identifying other factors that may have enabled or hindered impact **Exploring key learning** - Key challenges and enablers to realising impacts - What would they do differently and why?
5. Close (5 minutes)		Thank interviewee for their time and ask if interviewee has any questions or would like to add anything else to the discussion

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Contacts

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