



Subject Equality & Diversity Performance Plan
Purpose For Decision
From Simon Howard, Head of Professional Standards

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1. Summary

For the Board to consider and adopt a three year Equality & Diversity performance plan, capable of measuring ARB's success in this area of work.

2. Recommendations

It is recommended that the Board adopts the Equality & Diversity Performance Plan at [Annex A](#)

3. Open/Confidential Session

Open Session

4. Contribution to the Board's Purpose and Objectives

In delivering the Act, ARB's objectives are:

Protect the users and potential users of architects' services: consumers are protected from discrimination or barriers to accessing ARB's services.

Support architects through regulation: any potential barriers in ARB's policies and/or procedures either for architectural students or architects will be recognised and removed; ARB will fulfil its obligations as a public body under the equality legislation.

5. Background

The Public Sector Equality Duty

- i. ARB is subject to the public sector Equality Duty (PSED). The PSED, which is set out in section 149 of the Equality Act 2010, consists of the general equality duty, and the specific duties which are intended to help performance of the general duty. ARB is subject to the general duty only.

- ii. Those subject to the PSED must have due regard to the need to:
1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 3. Foster good relations between people who share a protected characteristic and those who do not.

In respect of the second aim (advancing equality of opportunity), the public body must have due regard to the need to:

1. Remove or minimise disadvantages suffered by people due to their protected characteristics.
 2. Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
 3. Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.
- iii. The law is not prescriptive of how the PSED must be met. The Equality and Human Rights Commission have however published a set of principles which have arisen from case law which may assist the public body in meeting the PSED:
- Equality considerations should be at the centre of policy formation. It is not a matter of box ticking
 - Each aim of the PSED must be considered
 - The PSED must be complied with throughout the consideration of a policy decision; it cannot be satisfied by justifying a decision already taken
 - The PSED is a continuing one, policies and decisions should be periodically reviewed to ensure that they remain compliant
 - The public body is not required to keep records of its considerations under the PSED, but it is good practice to retain evidence that demonstrates it has given due regard to its principles
- iv. Compliance with PSED is a legal obligation, but it also makes good business sense for ARB. An organisation that is able to provide services to meet the diverse needs of its users should find that it carries out its core business more efficiently. A workforce that has a supportive working environment is more productive. Evidence has shown that it is beneficial to draw on a broader range of talent and that following the equality principles should result in better informed decision-making and better policy outcomes.

The Equality & Diversity Performance Plan

- v. ARB, like many comparable public bodies, has in place a Single Equality Scheme [[Annex B](#)]. A common concern has been that although such schemes set out what

organisations intend to do to comply with the PSED, they are of limited value in assessing how effective those steps have been.

- vi. In light of these concerns ARB has been working with a group of regulators¹ to devise a framework against which E&D performance can be measured. That framework, whilst generic across the organisations, will also include performance targets which are specific to each.
- vii. ARB's specific plan was presented in draft to the Board at its meeting in November 2017. Feedback was sought and received, and some minor amendments and corrections made.
- viii. The plan seeks to set achievable but challenging targets in six areas of ARB's work:
 - 1) Compliance with Equality legislation
 - 2) Engagement with stakeholders
 - 3) Communication
 - 4) Regulation
 - 5) Setting standards
 - 6) Access to the Register
- ix. The Plan covers all areas of ARB's work, and it will be the collective responsibility of all ARB's staff, Board members and service providers to successfully deliver it. A cross-departmental staff project team has been created to deliver the objectives.

6. Resource implications

A number of the objectives will involve a significant amount of staff time, and some additional financial resource. The objectives are deliberately spread over a three year period to mitigate the impact on the current resource. The additional financial resource will be dealt with as part of the Board's annual budget.

7. Risk Implications

Not only does ARB have legal obligations to comply with, but also an Equality Scheme it has promised to deliver. However unlike some of the comparable regulators referred to, ARB is a small organisation with limited resources. It does not have an Equality & Diversity department; work in this area has to be delivered by the existing staff and so must be proportionate. In order to mitigate these competing risks the work ARB does on Equality & Diversity must be appropriate, targeted and efficient.

¹ Led by the General Medical Council and including the Solicitors' Regulatory Authority, the Bar Standards Board, the General Osteopathic Council, the General Dental Council, the General Optical Council, the Nursing and Midwifery Council and the Police Complaints Commission

8. Communication

ARB is an inclusive organisation. We actively promote equality of opportunity for everybody who has dealings with us, irrespective of their race, gender, disability, religion, belief system, sexual orientation or age. We have an equality scheme which sets out how we approach equality and diversity, and a performance plan to assess our success in doing so.

9. Further Actions

If the Plan is agreed, then a staff project team will be convened to arrange the delivery of the objectives. Performance against the objectives will be reported to the Board annually, or more often if there is a substantive risk to address.