

## The Public Sector Equality Duty

On 5 April 2011, the Public Sector Equality Duty came into force. The Equality Duty is part of the new Equality Act 2010 and it makes sure all our public bodies treat everyone fairly and give the same chances to everyone. Public bodies include public services like the NHS, Schools and Councils.

The new Duty consists of a **General Duty** with three main aims and **Specific Duties** (to be set out in regulation and which are designed to help public authorities meet the General Equality Duty). The overall aim is for public bodies to consider the needs of all individuals in their day to day work, in developing policy, in delivering services, and in relation to their own employees and covers the following protected characteristics: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. It also covers marriage or civil partnership to a more limited extent.

In summary, this is a law for public bodies telling them they must think about how they can make sure their work supports equality, for example, in their services, through their jobs, and through the money they spend. They should have “due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations in the course of developing policies and delivering services”, which means in practice that they should:

- Do everything they can do to eliminating discrimination and inequality.
- Be responsible for their own policies and actions that make sure people are treated equally.
- Be held accountable to the public and open about all their policies and decisions regarding equality.

### How can the Equality Act 2010 and the new Public Sector Equality Duty help you if you have OCD?

Depending on how severe and prolonged your OCD has been, it may be considered a disability under the Equality Act. If you meet the criteria of disability which is to have a ‘Physical or Mental impairment’ and ‘The impairment has a substantial and long term adverse effect on their ability to perform normal day to day activities’ you can seek protection under the Act.

The Equality Duty explicitly recognises that disabled people’s needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people’s impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

#### **Examples**

A university might decide to provide car parking spaces for a student with OCD who cannot use public transport because of his/her ‘contamination issues’ .This means that he/she would have equality of opportunity in access to courses. Although non-OCD students might also want a parking space, they will not suffer the same degree of disadvantage without one.

If you were attending a hospital appointment and you needed more time for your appointment or any special provisions made perhaps because of checking and contamination issues or specific rituals you had to perform, then you could ask the hospital for some ‘adjustments’ in order for your consultation to go more smoothly. You might, for example find it less stressful to enter the hospital by a different entrance if certain rituals might have to be performed entering or leaving a building or that you needed to bring your own gown for an examination and use your own sheets. The hospital would have an obligation under the new duty to try as far as they can to accommodate your needs.

If you felt that a policy or procedure was discriminating against you as a person with OCD in a local sports club or library or in any public venue, you could challenge the general policy drawing on the requirements of the Equality Act and Public Sector Equality Duty.

For more detailed information on the Equality Act, please visit the Advocacy Section of our website [www.ocdaction.org.uk](http://www.ocdaction.org.uk) or visit [www.equalityhumanrights.com](http://www.equalityhumanrights.com)