



MINISTERIAL WRITTEN STATEMENT

FRIDAY 6 SEPTEMBER 2013

Public Sector Equality Duty Review

The Minister for Women and Equalities (Rt Hon Maria Miller MP): I am today publishing the outcome of the review of the Public Sector Equality Duty (PSED). This review was announced by the Home Secretary on 15 May 2012 following the Red Tape Challenge spotlight on equalities.

The PSED, which was introduced through the Equality Act 2010, came into force across Great Britain on 5 April 2011 and comprises a general duty (s149 of the Act) and specific duties set out in regulations which vary across England, Scotland and Wales. It was introduced to ensure that public bodies take account of equality when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees – and to address the bureaucracy associated with the previous duties on race, disability and gender. The review was established to examine whether the PSED is operating as intended.

The Government appointed an independent Chair, Rob Hayward OBE, and Steering Group to oversee the review. Over the course of 2013, supported by officials in my Department, they have led an extensive programme of engagement and evidence-

gathering, including a series of roundtables with experts, site visits to public bodies, an open call for evidence, and independent qualitative research.

The Government is grateful to the Chair and Steering Group for their thorough work and welcomes their report. The review has not considered repeal of the PSED. We agree with its conclusion that a full evaluation should be undertaken in 2016 when the Duty will have been in force for five years. The review has however identified a number of issues associated with the implementation of the PSED and makes recommendations for the Equality & Human Rights Commission (EHRC), for contractors, for public bodies and for Government. We would like to see these recommendations implemented fully by all relevant parties, in particular to reduce procurement gold-plating by the public sector.

In relation to the specific duties which apply in England (and non-devolved bodies in Scotland and Wales), we note there was not consensus from the Steering Group but nonetheless accept the Chair's recommendation to consider the operation and effectiveness of these duties. Public authorities must be transparent about their objectives and performance on equality, and it is vital that the specific duties support this aim. We will therefore keep these duties under review and work closely with the EHRC as it conducts its more detailed assessment of the specific duties.

We accept the recommendation to consider what complementary or alternative means, other than judicial reviews, there may be to enforce the PSED. Recognising that many of the concerns identified in the report are not unique to the PSED, we will take account of this recommendation in the wider work, led by the Justice Secretary, to ensure that disputes are resolved in the most proportionate way possible and in the most appropriate setting.

Finally, I will work closely with all of my Ministerial colleagues to reduce the impact of red tape on the public sector, and to ensure that their Departments, and the sectors for which they are responsible, respond urgently and positively to the review's findings and recommendations.

A copy of the steering group's report and supporting documentation will be available later today at:

<https://www.gov.uk/government/publications?departments%5B%5D=government-equalities-office>. I am also arranging for this report to be deposited in the Libraries of both Houses.