

Dear Harshbir Sangha,



Dorset Equality Partnership response to the Government consultation on their proposals for revised specific duties under the public sector equality duty

I am writing on behalf of Dorset Equality Partnership, a group comprising Dorset County Council, Poole and Bournemouth Unitary Authorities, local and district authorities, the Dorset PCT, Dorset Race Equality Council, Dorset Police, Dorset Fire and Rescue Service, Weymouth College, Housing Associations and other Bodies across Dorset.

The Government has revisited the draft regulations for specific equality duties (under the 2010 Equality Act) and has released a Policy Review Paper to consult on changes aimed at further reducing the focus on process and bureaucracy.

The key differences of the new draft regulations from those published on 12 January are the removal of requirements on public bodies to publish details of the:

- engagement they have undertaken when determining their policies
- engagement they have undertaken when determining their equality objectives
- quality analysis they have undertaken in reaching their policy decisions; and information they considered when undertaking such analysis.
- amending the requirement from “Public authorities must prepare and publish objectives” to “Public authorities must prepare and publish one or more objectives”
- removing the requirement to set out how progress will be measured

Public Sector Equality Duty: Reducing Bureaucracy

Statutory authorities have been committed to eliminate discrimination and the Public Sector Equality Duty Specific Duties have provided a blueprint for us to translate that commitment into action.

One of the purposes of the Equality act was to simplify the law on equality.

However, having clear requirements, as in the original specific duties, helped that simplification. Organisations knew how to demonstrate that they were meeting the general duty to eliminate discrimination, advance equality of opportunity and foster good relations.

Specific Duties provided a simple blueprint for us to translate our commitment into action.

They are also part of the “transparency agenda” so that we have to make clear to the public why we do what we do

Publication of Information

We believe that the requirement to publish information on engagement undertaken and on equality analyses is vitally important. Without the requirement to show what has been done some public bodies are more likely to dispense with the need to engage with communities and to undertake a proper assessment of the equality impact of their policies. These activities are central to the delivery of equality and to move from a system where such matters are required to one where they are not sends a signal that they are no longer necessary. We consider that the requirement to publish information should be a requirement of the specific duties of the public sector equality duty, as this empowers the community to challenge decisions, and to scrutinise performance, in line with the Localism Bill.

Whilst some would see the changed regulations as weakening the requirement to conduct equality impact assessment, as the General Duty remains, we need to be able to demonstrate that we are meeting that duty. Continuing with the methodology of the specific duties and conducting equality impact assessments is a way to do so. Recent court cases indicate that the requirement to conduct EIAs before decisions are taken is strong, not conducting them leaves public authorities open to legal challenge.

Knowing our communities is at the heart of our equalities work. The public body's core business cannot be undertaken without the analysis of how we have engaged with our stakeholders and communities.

Public Services need to know the concerns of vulnerable, elderly and disabled people: We need to engage with vulnerable groups at greater risk and these groups

(alongside areas of socio economic deprivation) are in the main the target groups identified in the protected characteristics defined in the Equality Act.

We need to understand and reach out to particular communities. We consider that the revised regulations should reintroduce the requirements to engage, analyze and publish information.

Devolved Duties

Whilst we recognise and support the difference inherent in each of the countries of the UK, it is of some concern that the proposed legislation with regard to the specific duties is so radically different in England, Wales, Scotland and Northern Ireland. Such divergent views and regulations do not send a clear message to public bodies of the importance of equality.

Setting objectives

We believe that reducing the requirement from setting objectives to setting only one objective is a serious diminishment.

Measuring progress

Removing the requirement to measure progress means removing the mechanism to keep public authorities on track and gives the impression that progress is not important. That which is measured and monitored is that which gets done; we believe that monitoring progress is essential.

Implementation Dates

Our initial response was that we were disappointed that this revised consultation request came only just days before the new specific duty regulations in England were to be enacted. This also sends a message to public bodies that having the basic structures in place to deliver on equality is perhaps less important.

We think that the best course would be for the government to implement the Specific Duties as set out in the draft Regulations published in January, as these will enable public bodies to realise their duty to eliminate prohibited conduct, advance equality and foster good relations.

However now that a new consultation has been opened, we can see that the 31st December (the same date as for schools) is a realistic time frame.

Jill Warburton (Chartered Fellow CIPD)

For and on behalf of Dorset Equality Partnership