



IPSWICH AND SUFFOLK COUNCIL FOR RACIAL EQUALITY

The Ipswich and Suffolk Council for Racial Equality (ISCRES) is a charity responsible for the provision of services and advice to both individuals and organisations in Suffolk with a view to improving the equality of opportunity for all and reducing discrimination on the grounds of race, religion and other linked equality themes.

Founded in 1977, the work of ISCRES is overseen by a Board of Trustees and is run by a small team of mostly part time paid staff backed by a large network of volunteers.

At the core of our work is legal casework. Since 2008 we have received some funding from the Equality and Human Rights Commission (EHRC). In 2010-2011 we assisted 203 people complaining of all strands of unlawful discrimination in employment, education, goods facilities and services. We also provide a reporting centre for the victims of hate crime and police complaints.

We use the public equality duties daily in our work as a bench mark, as a research tool and as the starting point of a dialogue with public bodies. For example, in September 2009 we used the public equality duties to assist a small community scrutiny group of mostly young people, the Stop and Search Reference Group, successfully challenge the decision of Suffolk Police to end their cooperation with and small funding of the Group. As this Group monitored and questioned the disproportionate use of stop and search on young black men in Suffolk it is clearly at the heart of the general desire for transparency in public decision making. It is important to note that in the EHRC 'Stop and Think Report' 2010 Suffolk was 7th highest for disproportionate stops on black people.

The local public sector in Suffolk have been consistently slow to undertake the necessary monitoring for the previous equality duties so any erosion of the requirements will be seen as a green light to do as little as they can get away with. ISCRES's Race Equality League tables were developed from real concerns at the lack of access to robust Ethnic monitoring data. These tables became the focus of much negative rhetoric with no action to address the issues. At a time when the Government Equalities Office has decided not to continue funding legal casework from April 2012, these changes will contribute to the public being even more less well informed of their rights and have less ability to challenge these bodies.

From our experience of casework a public body's adherence to the public equality duty is often an excellent indicator of its general performance as a service provider and employer particularly with regard to hard to reach groups such as people with disabilities, Black and Minority Ethnic people and young people.

We welcome the entry into force of the new Public Sector Equality Duty (PSED), which we believe is an important step towards a proactive approach to advancing equality of opportunity and to eliminating unlawful discrimination

It is disappointing that you propose to remove the requirement on public bodies to describe the process of how they will measure progress against their objectives. You claim it will not contribute to the delivery of equality improvements. On the contrary showing how they will measure progress is a key indicator of their commitment to succeed and held to account by the public.

By changing the wording from: "*Publish sufficient information to demonstrate its compliance...*" to "*Publish information to demonstrate its compliance...*"; the risk is of an increasingly tokenistic approach to consultations, monitoring and benchmarking.

The effect of removing the requirement to publish evidence of the analysis a public body undertook to establish whether its policies and practices had furthered the aims set out in section 149(1) of the Act, and remove the requirement to publish details of the information it considered when it undertook the analysis is simply to require lengthy correspondence, Freedom of Information searches and even judicial review between the public and the public body just to find out;

1. What evidence they used to inform their analysis
2. What consultation they did and importantly with whom (for example asking members of the Police Suffolk Authority, or even a few "community leaders" about the effect of stop and search on young black men is ineffective)
3. What benchmarking against comparable public bodies they did

These comments also apply to removing the requirement to publish details of the engagement the public authority undertook with persons whom it considered to have an interest in furthering the aims set out in section 149(1) of the Act, and details of the engagement it undertook when developing its equality objectives.

Ironically by removing the obligation to show the process by which they chosen and measured their objectives the risk is that public authorities will even more focus on objectives that are easy to achieve not those which the communities, if properly consulted, would wish them to address. Thus transparency and democratic accountability is reduced and the "checkbox" risks increased.

The policy review paper states that '*we have considered each of the changes carefully and are satisfied that none of them will have a negative effect on equality for any of the protected characteristics*' but does not give any evidence or rationale of how this decision was reached, and what information were considered that informed this significant change since August 2010.

The policy review paper states that tools and mechanisms will be developed to support organisations and individuals to challenge public bodies effectively. It does not advise on the ways in which it will be done and on how hard-to-reach groups will be consulted on in developing these mechanisms. Individuals and communities, in particular those with protected characteristics have a vested interest in taking part in the decision-making processes that have a profound impact on their lives, in understanding the rationale behind decisions and in identifying and recommending proposals to eliminate any unintended direct and indirect discrimination that may result from decisions.

Historically, public bodies in Suffolk have excluded and ignored these groups and there is no good evidence they will happily change. We know that already in Suffolk work is taking place to address the new requirements of the Equality Act by internal 'Equality groups' with no external community input. The bureaucracy is created in this way. This is not the fault of the equality duties but the way it is interpreted and implemented by public bodies.

This lack of access to data and evidence-base that informs local councils' decision-making in the next four year cycle, means individuals and groups who are willing to engage with local and national decision making will not be able to get involved in shaping policy priorities and lobby local councillors and MPs.

If the review is serious about local accountability, one area which could be strengthened is requiring the provision of more locally focussed information from national bodies like the Crown Prosecution Service. When we have challenged on the Suffolk picture we were advised that, as they were obliged only to provide Suffolk data in the context of national statistics, this was all they would do. These 'high level' statistics mask the real equality picture locally. How is that local accountability?

Additionally we use the Equality Duties to address inequalities and influence the Local Education Authority to work with us to tackle the particularly poor attainment of some groups of students. Suffolk's attainment results of boys of African Caribbean heritage was below the national average for example. We also use them in our work in prisons, where the BME prison population is high, with virtually no BME Prison staff. The duties support our work with the Youth Offending service; Universities and Colleges, areas where there are persistent inequalities. If these duties are further eroded then these bodies may decide not to continue this important work. This work is particularly important in rural counties like Suffolk in respect of Black and Minority ethnic communities and the 'not statistically significant' argument that is used by policy officers.

We believe that it is particularly important to protect the tools and mechanisms already in place that enable individuals and communities to hold public authorities to account and to engage in decision-making processes in order to support better performance of the Public Sector Equality Duty. We believe this needs further strengthening in the arena of outsourcing. Public Bodies should be requiring those they commission/procure to deliver their services to deliver upon their equality duties. The Equality and Human Rights How Fair in Britain triennial review paints a stark picture of inequalities.

We therefore strongly urge Government not to proceed with the proposals set out in the policy review paper.

Jane Basham, Chief Executive & Audrey Ludwig, Case Work Manager



20 April 2011

