

The public sector Equality Duty: reducing bureaucracy - response

Introduction

We have considered the Government's recent policy review paper 'The public sector Equality Duty: reducing bureaucracy.' This paper considers revising the draft regulations for the specific duties that support the general Equality Duty that came into force on 5 April 2011.

While we generally welcome the governments proposals to reduce the burden of bureaucracy on public bodies we do have some concerns about the proposed regulations. Our main concerns are in relation to engagement, publication and reporting progress and are detailed below. We agree with the governments commitment to localism, accountability and transparency and feel that our proposals will help us meet these agendas.

Engagement

In the draft regulations published on 12 January public sector bodies were required to publish details of the:

- Engagement they have undertaken when determining their policies; and
- Engagement they have undertaken when determining their equality objectives.

These have been removed from the draft regulations published on 17 March 2010. They were the only duties that related specifically to carrying out engagement. Whilst we agree that it would be a burden on some authorities to publish details of all the engagement they have undertaken we are concerned that there is no duty to carry out any engagement. Although all public bodies should carry out engagement without a specific duty to do so some may not do this. We would therefore suggest that regulation 2 is amended to include the following.

- Each public authority must carry out engagement with appropriate stakeholders to inform their policy decisions and when determining equality objectives.

This allows each organisation the flexibility to identify the most appropriate type of engagement to undertake for their needs whilst still making sure that there is public involvement.

Reporting progress

We are concerned that there is no requirement to report progress made against the equality objectives that are published every four years. This could make it difficult for

the citizens to hold public sector organisations to account. We are not suggesting a strict reporting regime or that new plans or reporting mechanisms are set up but we feel that there should be a duty to report progress on the objectives published. We would suggest that regulation 2 is amended to include the following:

- Each public authority should report progress against each of the equality objectives they have identified on an annual basis.

This could include reporting progress in service plans, committee reports or other existing documents. It allows flexibility yet still provides information to the public on the progress that is being made without being overly bureaucratic.

Publication

In the draft regulations published on 12 January public sector bodies were required to publish details of the:

- Equality analysis they have undertaken in reaching their policy decisions; and
- Information they considered when undertaking such analysis.

Government propose that accountability should rest with the community and not with Whitehall. Unless authorities can demonstrate that information and equality analysis is appropriate how will people be able to assess whether equality objectives are either relevant or adequate?

Whilst we agree that it would be a burden on some authorities to publish details of all equality analysis they undertake and the information they considered we do feel it is important that public authorities publish improvements in outcomes they have achieved. We would therefore suggest that regulation is amended to include the following:

- Each public authority should publish details of improvements in equality outcomes that they have achieved in a way that is easily accessible to citizens.

This allows the flexibility to use existing methods of publicity such as in-house magazines or press releases whilst still keeping the public informed in a way that is transparent.