

Equality Act 2010: The public sector Equality Duty: reducing bureaucracy

In response to the policy review paper dated 17 March 2011, I would urge the government to retain the specific duties detailed in the original draft regulations dated 12 January 2011 for the following reasons:

1. The policy review paper clearly states that the specific duties are intended to facilitate democratic accountability and improve the equality performance of organisations. If the requirements to publish details of engagement and equality analysis are stripped away, then it is difficult to see how this will improve transparency or encourage the public to hold organisations to account on the decisions that they make. If citizens are to be able to effectively challenge public bodies on their decision-making, it is critical that the public duties include an obligation to publish details of their equality analysis and engagement. This will allow the public to easily check whether public bodies are complying with the equality duty.
2. Whilst most people support a reduction in unnecessary bureaucracy, sensible and balanced regulation has been a key driver in improving equality outcomes in the public sector. The requirement to carry out and publish Equality Impact Assessments was an important mechanism for holding public sector bodies to account when they failed to adequately consider equality in policy development and decision-making. Equally, it provided a much needed incentive for some public bodies to carry out the assessments if only to avoid legal action and reputational damage. The recent round of spending cuts in local government clearly demonstrates the importance of compelling councils to publish the results of their equality impact assessments. Without a legal imperative, it is unlikely that my council would have chosen to carry out or publish the results of the impact assessments. This would have seriously undermined democratic accountability and allowed the council to push through their proposals with little or no challenge from local interests.
3. In the interests of transparency, public bodies need a clear, unambiguous framework to show the public how they arrived at their equality objectives and how they plan to achieve them. In the current financial climate, only requiring

public bodies to publish one or more objectives, significantly increases the risk of some organisations doing the bare minimum and scaling back on their equality and inclusion work.

4. The Equality and Human Rights Commission has already published five sets of guidance based on the original draft regulations and a number of public bodies have prepared in advance of the new duties coming into force. In a climate of cuts and savings, the proposed last minute regulatory changes will have significant cost implications for the public purse.
5. Finally, it has always been a struggle to get equality and diversity onto the public sector agenda. Without a robust regulatory framework in place, it will be much harder to get the crucial buy-in from senior managers and local politicians to promote fairness and reduce inequality in public services. A dilution of the original regulations is therefore a regressive step that will undermine transparency and accountability in the public sector and threatens to undo years of good work carried out by public bodies in progressing equality, good relations and human rights.