

## The public sector Equality Duty: reducing bureaucracy Policy review paper

### Comments from Stonewall

#### Key points

- Stonewall warmly welcomes the recent implementation of the general equality duty. We've campaigned for a number of years for a single equality duty, extended to cover sexual orientation, as part of a simplified Equality Act.
- In our current work with 400 public sector partners, Stonewall is an outcome-focused organisation; we view process as a vehicle for achieving results rather than an end in itself. Consequently, we agree with the government's stated focus on transparency and performance in developing the specific duties.
- We welcome the consistent approach adopted towards the different protected characteristics in the revised draft regulations, with no difference in treatment for sexual orientation or any other protected characteristic.
- However, clear **guidance** on the equality duty, including the specific duties, will be vital in helping public bodies understand and comply with the duty. It must reflect the parity in approach across the protected characteristics.

#### Background

1. Stonewall welcomes the opportunity to comment on the revised proposals for the specific duties, to support the new public sector equality duty. We submitted a detailed response to the government's previous consultation on the specific duties in November 2010. We believe that a single equality duty, focused on practical outcomes, can potentially have a transformative effect on lesbian, gay and bisexual people's lives in areas where they have often faced unfair treatment. We've campaigned for a single equality duty for a number of years.
2. We warmly welcomed implementation of the **general equality duty** on 5 April 2011, covering sexual orientation for the first time. We recognise that the new general duty is stronger, because of its outcome focus, than its predecessors. If effectively implemented, the new duty will encourage public bodies to tackle discrimination proactively and accommodate from the outset the needs of Britain's 3.7m lesbian, gay and bisexual people in the design and delivery of public services that they fund. We estimate that Britain's lesbian, gay and bisexual population makes an annual contribution of almost **£40 billion** to the provision of Britain's public services.
3. Stonewall now works with more than 400 partners in the public sector, between them employing more than 3.5 million people, on the delivery of better services and the recruitment, retention and support of lesbian, gay and bisexual staff.

#### Engagement

4. While the revised regulations remove the requirement to publish *details* of engagement, we recognise that it would be impossible effectively to deliver good public services without that engagement taking place. Our successful public sector partners recognise that different

forms of engagement may be appropriate in different delivery environments to ensure compliance with the duty.

We welcome the statement in the government's Policy Review Paper of 17 March 2011 that: 'Under the requirements of the general duty to have "*due regard*" to the matters set out in the Act, public bodies will need to understand the effect of their policies and practices on equality – this will involve looking at evidence, **engaging with people, staff, service users and others** and considering the effect of what they do on the whole community.'

5. Stonewall recently published a practical guide on engagement - *How to engage gay people in your work* in anticipation of commencement of the new duty. Public bodies that involve local citizens in making decisions about their services demonstrably improve their understanding of the local population's requirements. As a result they're able to develop tailored services that respond to local requirements and interests, as well as identify which existing services are not meeting the needs of local people. Most important, public services that understand the complexion of their local community can develop services that address the cause of local problems rather than simply the consequences. **This makes them more cost-effective and improves outcomes for local people.**
6. Lesbian, gay and bisexual people require the same services as the rest of the community, but they may access those services differently. In some cases those services can treat gay people poorly, with inappropriate customer service or ill-thought out services. **Public bodies can often resolve these issues simply by listening to local gay people's views on how to make their services more accessible and relevant. It doesn't need to cost significant amounts of money e.g. a poster suggesting that 'Smoking makes you unattractive to the opposite sex' can easily be adapted without any deleterious consequences or additional cost.**
7. Engaging directly with local lesbian, gay and bisexual people is the most effective way for public bodies to understand how gay people access their services. It will also help organisations understand if it may actually be cost-effective to offer targeted services for local lesbian, gay and bisexual people.

### **Equality objectives**

8. We believe strongly that organisations should be required to be transparent about why they have set particular equality objectives, based on data and evidence. They must be accountable, so that local citizens have the opportunity to question decisions. Firm guidance to public bodies to engage with communities or their local representatives will be crucial in this area. A public body should not be able to set equality objectives that overlook certain groups and equality areas based on a false assumption that no barriers exist. We strongly believe that equality objectives must link to the general duty under Section 149 of the Equality Act.
9. We note the new reference to setting 'one or more objectives'. **We would be extremely surprised if a public body did not have at least one relevant, practical equality objective applying to sexual orientation.**

## Publication of information

10. There is hard evidence (see below) that gay people have been and are often under-served by the public services they pay for. So we believe that the publication by public bodies of **clear** and **accessible data** relating to both public service provision and employment is critical in terms of accountability but also as a tool to measure progress over time and assess the pace of change. Where a public body does not have the necessary data across all areas to offer a full picture of equal treatment in its service provision and workforce, we believe that it should take steps to fill that gap and to communicate how it is addressing it. An absence of current data should not be an excuse for inaction.
11. Through our engagement with over 400 public sector bodies we know that organisations across Britain (in both the public and private sectors) increasingly monitor the sexual orientation of both service users and staff. They do this for the proven benefits it has to the cost-effectiveness of public service delivery, the positive impact on their external reputation and the recruitment and retention of the best people.
12. It's welcome that the draft regulations as revised do not prevent or discourage public bodies from monitoring on the basis of sexual orientation, given that this is already widespread good practice.
13. We estimate that Britain's lesbian, gay and bisexual population make an annual contribution of almost **£40 billion** to the provision of Britain's public services. Yet reliable polling evidence suggests that:
  - Eight in ten think they would face barriers to becoming a school governor because of their sexual orientation.
  - Seven in ten gay people don't report hate crimes or incidents to police because they don't think they will be taken seriously
  - Three in ten lesbian, gay and bisexual people think they would be treated worse than a heterosexual if they wanted to enrol their child in a primary or secondary school.
  - One in five lesbian and gay people expect to be treated worse by police than a heterosexual if they report a crime.
  - One in five lesbian and gay people expect to be treated worse than heterosexuals when applying for social housing.
14. We look forward to implementation of the specific duties in July. With clear and practical guidance they will assist public bodies in addressing such barriers to fair treatment and delivering world class public services of which Britain can be proud.

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