

LONDON BOROUGH OF HAVERING

Government Equalities Office

Equality Act 2010: The public sector Equality Duty: reducing bureaucracy – Policy Review Paper.

April 2011

The Draft Regulations: Response

Q.1. Do you have any comments you wish to make?

- The London Borough of Havering welcomes the efforts being made to reduce burdens and bureaucracy on public bodies and to shift from a process driven to a transparent and performance driven approach.
- The revision to the regulations will still require public bodies to:
 - publish equalities objectives every four years
 - publish information annually to demonstrate their compliance with the general Equality duty
 - publish information relating to employees and others affected by their policies and practices
 - publish such information in a way that is accessible to the public.
- The proposed timescale for the initial publication of such information from 31 July 2011 to 31 December 2011 would assist with preparations to comply with the requirements. However the paper fails to deal with the challenges that public bodies may face in collating, analysing and formatting such information requirements in a way that will be accessible to the public; particularly with the budgetary constraints being faced in the sector.
- It is also not clear if any other processes will exist for the general public to exercise their delegated authority to hold public bodies accountable for compliance with the requirements of the general and specific equality duties. However it is useful to observe that legal challenges have now been included as viable options (as with the case with the London Councils where decisions to make certain cuts will now have to be reconsidered due to the failure of giving due regard to statutory equality duties.)
- The effect that the removal of the powers of the Secretary of State to specify certain matters which public bodies must consider remains unclear.

Conclusions & Recommendations

- The fundamental requirements of the Equalities Act 2010 as regards the public sector Equality Duty remain unchanged.
- The challenge of preparing to collate, analyse and publish information in an accessible format to the public on a regular basis remain unchanged.
- Public bodies are being encouraged to focus on performance rather than process and be prepared to justify decisions and actions to the public.
- It will be prudent therefore to accept the challenges imposed by the Equality Act 2010 and continue with preparations to comply with the requirements of the public sector Equality Duty; within the context of budgetary constraints.