



1. Introduction

This paper provides a response, on behalf of Bournemouth University (BU), to the recent policy review paper *Equality Act 2010: The Public Sector Equality Duty: reducing bureaucracy* issued by the Government Equalities Office (GEO) during March 2011.

2. Publication

BU supports the change of publication dates for information from 31 July to 31 December. We believe this is a sensible move forward as it will provide universities with the opportunity to provide current academic year data (2010/11) which would not have happened under the previous date.

We also ask for more clarification on what student monitoring data should be published. Whilst the Equality and Human Rights Commission's (EHRC) non-statutory equality information guidance makes reference to performance information, which could include student retention and progression data, it is recommended that this is more clearly stated. Providing a template for organisations which need to publish data for 150+ employees would be a useful suggestion for the GEO or EHRC to consider.

Ideally, the publication of a data template within future guidance will help to support the production of staff and service user trend based information which will assist the government's commitment towards transparency and provide a basis for individuals to hold public sector bodies to account.

It is also noted that there is a move towards universities not being required to publish information in areas such as equality analysis and engagement yet public sector bodies will need to demonstrate that they: *"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."* (GEO, 2011).

One interpretation of this proposed change is that universities would still be expected to complete equality analysis and undertake engagement in order to demonstrate due regard for the general duty but then not publish the work in this area. Whilst it is recognised that under the previous legislation there might have been more of a focus on the process instead of delivering real equality improvements, it is not currently clear how individuals will be able to hold public bodies to account *"through greater transparency and challenge from the public"* (GEO:2011) if they cannot see how universities are taking due regard to the general duty. To meet the commitment

towards greater transparency, would it not be more appropriate to require universities to publish their equality analyses and feedback from engagement and to take a proportionate approach to these activities.

It is recognised in the GEO policy paper that government is “*developing tools and mechanisms to support organisations and individuals to challenge public bodies effectively to ensure they publish the right information and deliver the right results.*” (GEO: 2011). Whilst this commitment is welcomed, it would be useful if the GEO could provide more detail about what they are thinking in this area. An observation on this commitment is that it would result in universities publishing information, so why remove the requirement?

One benefit of publication is that it has the potential to demonstrate to individuals protected under the legislation that universities are seriously committed to equality. For example, a student or member of staff who has mental health issues might only seek support if they can find publicly available evidence of engagement, equality analysis and the publication of data.¹ In addition, disabled people and individuals with other protected characteristics would, if they can see that a university is undertaking work in the area of equality, be more likely to offer assistance, whether that is through supporting events or networks which meet the commitment of the government to delivering equality improvements.

If there is no requirement to publish equality analyses and engagement it could result in a university being subject to numerous Freedom of Information requests by individuals or other organisations wanting to see how equality was taken into consideration as part of decision making activities.

Another concern about the removal of the requirement to publish is that it has the potential to increase friction between those with one particular characteristic and those with another characteristic. This change may instead foster ignorance, prejudice and misconceptions.

With universities being required to publish a range of standardised data for prospective students, it could be argued that the provision of publicly available equality information would support individuals when making a decision about whether or not to apply to higher education and the institutions of their choice.

3. Equality Objectives

We note the change to “*one or more*” equality objectives instead of the requirement to “*publish objectives.*” (GEO:2011). Whilst the rationale for this change is noted, it does need to be questioned whether or not meaningful equality for people with all protected characteristics can be achieved by one objective. Bournemouth University agrees with the comment by the Equality Challenge Unit (ECU) to this specific point: the publication of one objective is unlikely to comply with the general duty.

¹ It is acknowledged that universities will still be required to publish equality data by 31 December 2011 as part of the new proposals.

It is also noted that the requirement to set out how progress will be measured in achieving equality objectives is being removed. Whilst it is recognised that this could be seen as part of a process, it is important to remember that if universities are to deliver real equality improvements they should be encouraged to consider what should be put in place to measure success. If this proposal remains, it contradicts the government's drive towards transparency because individuals will not be able to hold public bodies to account if they are not aware what measures are in place to deliver on its equality commitments. It is also understood that any business planning process will have output measures and therefore the removal goes against the principle of accountability.