

# Equality Act 2010: The public sector Equality Duty: Reducing Bureaucracy

## South Wales Police Authority Consultation Response

**South Wales Police Authority would like to make the following points regarding the above consultation paper:**

It is disappointing that the UK Specific Duties, (which will apply to us as a non-devolved authority in Wales), have been seriously weakened in this second consultation document. We already held the view that the Specific Duties consulted on at the end of 2010 had a number of shortcomings when compared with the previous Public Sector Equality Duties. However the second consultation document has weakened the proposed duties even further and we seriously question the impact they will be able to make to furthering equality within public authorities.

We have a number of specific issues to raise as outlined below.

### **Policy and Practice Analysis**

- We do not support the removal of the requirement to publish evidence of the analysis a public body has undertaken to establish whether its policies and practices further the aims of the Act. Similarly we do not support the removal of the requirement to publish details of the information considered when the analysis was undertaken.

*We note that page 5 (point 19) of the document states 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' and that 'Information to help public bodies comply with the duties..will be delivered through guidance, not regulation.'*

We feel that this fails to appreciate the strength that a regulatory requirement in this area would have and has had up to this point. Removing these requirements are retrograde steps and the likelihood is that where there is no requirement to do something it means it will not always happen. This puts people from protected characteristics at risk.

- We wish to ask the direct question – **Is it still a requirement to conduct Equality Impact Assessments or will this just be considered to be good practice in future?** The new draft regulations no longer contain anything about assessing impact or carrying out analysis of policies or practices. This was included in all three of the previous Public Sector Equality Duties and the publishing of equality analysis featured in the proposed regulations in 2010. It is

disappointing that it no longer features in the new regulations. It is assumed from the lack of wording in the new regulations, that EIAs will no longer be a statutory requirement for public bodies. This is clearly a retrograde step and we would again make the point we made in our original consultation response, which was:

‘We would still support clear direction in the specific duties that EIAs are to continue to be routinely carried out by public bodies. Without this clear direction there is a danger that they will be carried out less often which would have a negative impact on minority groups’.

**We therefore ask the UK Government to reconsider the removal of any reference to the assessing of impact or the publishing of such analysis from the UK Specific Duties.**

### **Equality Objectives**

- We do not support the decision to continue to use the wording that public authorities should prepare and publish ‘one or more objectives’. We note that the consultation responses previously provided to the UK Government led to the removal of this wording in January. It is therefore disappointing to see that it has reappeared despite the obvious objection to this from respondents, including ourselves.
- We note that the document states that ‘*in taking a proportionate approach which takes account of the size and role of the public authority...in some circumstances a single objective could be appropriate*’.

We feel that this takes an oversimplified approach. If the regulations do not specify that in most cases more than one objective is expected, then the wording of the regulation will be applicable to all public bodies, regardless of size and role. This enables many medium or large public authorities to opt out of developing more than one equality objective for a period of four years. This vastly reduces the previous responsibilities on public authorities to have schemes and action plans addressing each of the three equality strands where legislation applied. It effectively means that most of the new protected characteristics can be ignored.

We would again make the points we made in our original consultation response, which were:

‘The setting of ‘one or more’ equality objectives at least every four years is a retrograde step in terms of the current requirements, particularly if there is just one objective disguised within an overarching business plan. It is unclear how organisations will be held accountable if they only ever set equality objectives for certain protected characteristics and not for others. It is also questionable how this approach would be more informative for the public’.

## **General Comments**

- We have a number of concerns about the nature of the new Specific Duties and the supposed links between reducing bureaucracy and increasing accountability. We do not feel that by removing most of the current equality obligations on public authorities that this will effectively serve communities and lead to greater accountability. Organisations can only be held to account if they are required to prove how they are working towards equality outcomes. Given that most of the current obligations will be taken away from authorities if these regulations are introduced, it is unlikely that they would truly be held to account for their equality work.
  
- The Specific Duties that have been introduced in Wales and which our Welsh partners will be working towards, go much further than the UK duties. In comparison to Welsh public authorities, the public authorities in England and non-devolved authorities in Wales, will therefore be falling behind in terms of commitment to equality in public service. It is disappointing that this will be happening at a time when the Equality Act was due to strengthen public bodies' commitment to equality for all protected characteristics.
  
- We welcome the introduction of police authorities into the new draft regulations. We are pleased that the UK Government realises the significance of them being excluded from the duties, given their involvement in strategic decisions that affect the public. We would therefore expect to see Police & Crime Commissioners being included in the regulations when PCCs are introduced.