



The Public Sector Equality Duty: Bureaucracy – Policy Review Paper

As the Government Equalities Office you propose to make amendments to the Equality Act 2010 based upon your concern for reducing bureaucracy for the public sector Equality Duty.

In your Policy review paper you propose to remove four particular ‘processes’ in the belief that by doing this, transparency will not only be enhanced but will more precisely deliver on the aims of the Equality Duty – ‘to eliminate discrimination, advance equality of opportunity and foster good relations for public sector workers and service users....’.

I considered your aims against the following proposed removals:

1. Engagement they have undertaken when determining their policies
2. Engagement they have undertaken when determining objectives
3. Equality analysis they have undertaken in reaching their policy decisions and
4. Information they considered when undertaking such analysis

My own understanding of the Equality Act 2010 is based upon my past experience in my role as an Equality Diversity Practitioner, a teacher in Further Education and my previous employment as a Metropolitan Police Officer. This is not to mention the many years I have dedicated to equality and diversity over the last 30 years that overlap those positions.

I believe points 1 and 2 stem from an effort to force us, the workforce, out of our comfortable habits and lets face it, we are creatures of habit. No doubt, these points were introduced in order to propel public bodies, no matter how uncomfortably and sometimes it was, to go and communicate with other groups, local, sometimes voice-less communities and other organisations that they would not otherwise have gone to. They would not and did not go to ‘others’ simply because it is not the instinct of public bodies to make such approaches. Why it is not an instinct to approach ‘strangers’ is speculative except to say it is probably a mixture of historical, cultural and professional practices. Essentially and in general, we stay in our own groups. That is why ‘engagement’ is where the ‘real-work’ begins. Without it you are defeating the object?

The Equality Act effectively told public bodies that they had to find out what *relevant people* thought so as to add quality to the decisions made over those people barely known to them. I agree that this type of process is bureaucratic if it is done without real intention to ‘engage’ with others. Simply going through a process is of course pointless, not to say arrogant, offensive and expensive. On the other hand, you should not be surprised or unaware of such people who don’t appreciate the importance or relevance of equality and they are the most likely to consider processes 1 - 4 as unnecessary. Have you fallen for the charms of those resistant to logical equality practices?

Even if you have not become sensitive to such people, how have you convinced yourselves that removing these processes correlates with being able to see more? What are you seeing more clearly and please could you let others know? To the contrary, transparency here seems to be dwindling into some sort of blind-faith? Freedom from constraint, will prevail? But what will you be relying upon if and when blind faith fails? History suggests blind faith is not remotely reasonable let alone, justifiable - at least without evidence and then of course, it’s not entirely blind. Your policy review was entirely absent of any evidence or substantial explanation – even for the most impartial of people, the public, to arrive at an informed decision.



Points 3 and 4 seem to involve the need to remove any necessary external sharing and consultation concerning analyses over equality evaluations and decisions made. By inference, you appear to be saying, 'as long as you can justify it, it's fine if it does not necessarily appear to be fair or objective externally'. Is that your position? Of course every body or institution will have its own set of characteristics and challenges unique to itself but that ought not negate the ability to explain through objective criteria, a process of analysis, the decisions made and their necessary action as a consequence. Justice must not only be done but be seen to be done? This is exactly what educational and other institutions are required to do each year as a normal way of running business. Why would you devalue this in the area of equality? Sharing open and good equality practice is being deeply undermined here.

Public bodies have to be at least willing to be outward facing in explaining how and why they arrive at their decisions. Otherwise, equality practices can be reduced to a play on numbers. For example, in a predominantly white area, should a college ensure the ethnic representation of their staff reflect the local population, 3% for the sake of argument or, 30% as representing the ethnic mix of its students? Open engagement beyond itself as an institution, should be regarded as obvious and vital, particularly where policy decisions are concerned.

The real truth is, behind most good performances is a great deal of process and practice and those processes exist for good reason. You are being highly selective to declare these particular areas as bureaucratic. Are we not in the act of process in my responding to your policy review right now? I trust it is your intention to fully engage with those who respond to this review unless you have already decided that you will make these changes regardless? Understandably then, this process will have been reduced to mere bureaucracy and you will have chipped away just a little bit more at democracy. If you do value feedback to any policy, why would you want less of an engagement in the development of Equality and Diversity for the nation? Certainly, at the moment, the message you are sending out through these proposals says something like this: *'we do care about equality, but not to that extent'*.

I therefore, urge you to withdraw these proposals because they are profoundly flawed and contrary to the constructive development of mine, as well as, your own aims - 'to eliminate discrimination, advance equality of opportunity and foster good relations for public sector workers and service users....'.

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