

GREATER LONDON AUTHORITY

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Rt Hon Theresa May M.P.
Minister for Women and Equalities
Government Equalities Office
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Eland House
Bressenden Place
London SW1E 5DU

Our ref:
Date: 19th April 2011

Dear Minister

Policy Review: The public sector Equality Duty: reducing bureaucracy – proposed regulations

I welcome the opportunity for the Mayor and the Greater London Authority to be able to comment on the revised draft regulations setting out the specific duty to promote equality, as set out in your policy review paper *Equality Act 2010: The public sector Equality Duty: reducing bureaucracy*.

As you state in the policy review paper, the role of the specific duties is to support better performance of the general duty to promote equality. The Mayor very much welcomed the draft specific duties regulations which you published in January 2011. He felt that you had achieved a good balance between being, on the one hand, non prescriptive and allowing public bodies sufficient scope to determine their own priorities, actions and processes, and, on the other hand, achieving the progress toward equality and outcomes that we all desire and know to be necessary to achieve a truly fair society.

The earlier version of the specific duties did not, in the Mayor's view, impose unnecessary bureaucracy on public bodies. Rather, they provided a very useful road map, while still offering significant leeway for each individual, unique public body to determine what is relevant and proportionate. It is by no means a simple task for a public body to determine exactly what actions are necessary and appropriate to genuinely pay due regard across its functions to the need to eliminate unlawful discrimination, advance equality of opportunity and promote good relations. All public bodies are aware of the risk of legal challenge on their actions in this regard. The terrain can be tricky, and a road map is very useful. The new regulations published in March do not, in the Mayor's view, offer that same useful road map, leaving public bodies open to a greater degree of risk.

The Mayor felt that the specific duties you published in January would be particularly helpful in achieving your laudable policy aims of transparency and enabling the public to exercise greater choice, compare the performance of public bodies and hold them to account. The Mayor strongly supports this aim. The new draft regulations are so vague on what must be published that it will be open to public bodies to publish very little indeed. It is hard to see how this will facilitate the public being able to hold public bodies to account. Paradoxically, it is likely to lead to the courts having a greater power – an outcome which you surely you did not intend. The more vague the specific duties, the more open to interpretation by the courts are the general duties.

We all need and want the equality duties to drive progress toward better equality outcomes. The Mayor wants these duties to make the maximum contribution to ensuring the changes that London requires. He will do all that is within his powers to do, but this power is limited. He needs to be able to rely on all the other public bodies in London to do their bit toward achieving those outcomes. Effective specific duties can help in achieving that.

The Mayor urges you to return to the draft duties you published in January 2011, which we believe will keep up the momentum of all public bodies in London toward eradicating the significant inequalities which many Londoners face. We look forward to working with you to achieve a fair and more equal society, where there are equal life chances for all.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Barnes', written in a cursive style.

Richard Barnes

Statutory Deputy Mayor of London

cc Lynne Featherstone M.P., Parliamentary Under Secretary, Government Equalities Office
Harshbir Sangha, Government Equalities Office
Terry Day, GLA