

HEEON response to consultation on specific duties, 19 April 2011

This response is submitted by HEEON, (the Higher Education Equal Opportunities Network), the network of equality and diversity practitioners working in UK higher education which has over 80 corporate members <http://www.heeon.ac.uk/>

We are supportive of the government's focus on

- equality improvements not process
- increasing transparency and accountability.

We found the government's response to the 2010 consultation 'Promoting equality through transparency' sound and helpful and were pleased with the draft regulations for the specific duties for England, published in January. Therefore we were perplexed and disappointed by the decision in March to look at these again. We agree with the detailed response from the Equality Challenge Unit on behalf of the HE sector and our particular concerns are below.

We consider the language and focus in the current consultation 'The public sector Equality Duty: reducing bureaucracy' unhelpful and inappropriate for a discussion of how best to meet the Duty. We cannot support the changes proposed in the consultation at paras 14, 15, 18 and 20.

1. The Equality Duty is a significant one for public authorities. To meet it, public authorities need specific duties that ensure they take the necessary, appropriate actions. Considered and well drafted specific duties will do that; we do not believe the proposed regulations are either sufficiently comprehensive or robust to support public authorities in meeting the Duty.
2. Removing requirements to e.g. publish details of engagement and how progress towards objectives will be measured, automatically reduce stakeholders' access to key pieces of evidence on equality improvements which enable them to hold public authorities to account. These proposals appear to us to be completely contrary to the government's drive to increase transparency and accountability.
3. We are concerned at the possible effects of different specific duties for public authorities in England, Wales and Scotland. The Duty is the same and it is not clear that there is an objective rationale for the different proposals for the specific duties across the three countries. Also we are concerned lest such differences open up risks of future legal challenges for public authorities.

The current discussion, initiated by the Prime Minister, on the numbers of Black students at the University of Oxford illustrates what is needed to discuss equality:

- robust data, collected, benchmarked and available to all interested parties;
- engagement with affected groups and stakeholders to understand the issues that the data has revealed and to find ways forward;
- public commitments by a public authority to take the actions within its remit to effect change;
- ongoing progress reporting and engagement to ensure that change is achieved.

We want specific duties that support the achievement of equality; we hope the government will give public authorities in England the specific duties we need to meet the Duty to help us eliminate unlawful treatment and advance equality.

Finally, we are concerned that there appear to be two consultations running simultaneously with different terms of reference:—the first on the GEO's site and the second on Redtape Challenge each, please see Appendix 1 below. This is confusing and may inadvertently

invite people to comment on aspects of the legal framework that are not under review in this consultation. We would be grateful for confirmation that

- the consultation is on the specific duties only and not on the Act
- any responses invited and sent in error about the Act will be disregarded?

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Appendix 1 Screens on 19 April 2011

www.redtapechallenge.cabinetoffice.gov.uk/equalities/

Equalities

Equality regulations are designed to help ensure fairness in the workplace and in wider society. They include regulations and laws on discrimination and harassment.

You can find the Equality Act 2010 [here](#)

Tell us what you think should happen to this Act and why, being specific where possible:

- Should they be scrapped altogether?
- Can they be merged with existing regulations?
- Can we simplify them – or reduce the bureaucracy associated with them?
- Have you got any ideas to make these regulations better?
- Do you think they should be left as they are?

http://www.equalities.gov.uk/equality_act_2010/public_sector_equality_duty.aspx

Specific duties

In addition to the general Equality Duty, set out above, Section 153 of the Equality Act gives the Government a power to impose specific duties on certain public bodies to enable them to perform the Equality Duty more effectively. A policy review paper outlining draft specific duties is available for comment until 21 April 2011. The policy review paper can be viewed here: [Equality Act 2010: The public sector Equality Duty: reducing bureaucracy.](#)

The draft specific duties focus on reducing burdens and bureaucracy on public bodies, and moving away from a process-driven approach to focus on transparency. This will free up public bodies to do what is appropriate in their circumstances, to take responsibility for their own performance, and to be held to account by the public. The result will be a shift in approach – a focus on performance, not process.

An Easy Read of the policy review paper is available [The Equality Act: cutting down on red tape - Easy Read document](#)