

From: Suganya Ranganathan [S.Ranganathan@richmond.gov.uk]

Sent: 21 April 2011 14:29

To: Specific Duties

Subject: Consultation response from LB Richmond Upon Thames

Consultation Response from LB Richmond Upon Thames on third draft specific regulations March 2011

1. We welcome the date of publication of information change from July 31st 2011 to December 31st 2011, as this will be more achievable for local councils such as ourselves where many changes are currently taking place.
2. However, the current proposed draft regulations are less clear and robust than those previously published in January 2011. At the local level we need clear and robust specific regulations, in order to provide us with a clear route map to enable adequate and effective implementation of the General duty. We believe that unless this is the case, this will lead to more vulnerability at possible Judicial reviews. Much will now be open to interpretation and possible contestations at judicial review.
3. The specific regulations need to help us at the local level to effectively translate the General duty into practice, otherwise there is a real danger that this will be further contested at judicial level.
4. What is meant, for example, by "other persons affected by its policies and practices" ? The regulations need to be clearer and robust, if the aims set out in the policy paper and indeed the General duty are to be achieved.
5. The current proposed draft regulations also do not sit with the transparency principles which are at the heart of the current government. Local people and communities need clear, open and robust information on the evidence which has informed decisions, policies and practices. While local variations will produce different needs and emphasis, there needs to be some consistency between local approaches, otherwise this will also leave us more vulnerable to possible legal challenge. Such consistency can only be achieved through clear and robust specific regulations as were laid out in January 2011.
6. The specific regulations and indeed the General duty have been key to effective and consistent mainstreaming of equalities. The current third draft will not be as effective in enabling this. Much progress and learning has been gained from the previous implementation of the public sector equality duties and progress made. It is hoped that the new Public sector equality duty and specific regulations will enable this to be progressed and built upon and not reversed. The aim is to achieve real outcomes for local people and as part of this service improvements.
7. A full consultation was undertaken prior to the January draft specific regulations and it is disappointing that the same process was not undertaken for the third draft. It leaves us at the local level more vulnerable to legal challenge.

Suganya Ranganathan-Naveenan
Corporate Equality and Diversity Manager
Adult and Communities
3rd Floor Civic Centre
0208 891 7829:work no

07535 656 410: work mobile
e-mail: s.ranganathan@richmond.gov.uk