

**Response to Public Sector Equality Duty: reducing bureaucracy
Policy Review Paper Equality Act 2010 – 17 March 2011**

This response to the Policy Review Paper and the consultation exercise is made on behalf of the Equality and Cohesion Unit, Blackburn with Darwen Borough Council.

1-Change the wording from: “*Publish sufficient information to demonstrate its compliance...*” to “*Publish information to demonstrate its compliance...*”;

By removing the word “sufficient” from the detail there is an argument that emphasis of what should be a consistent context across the public sector becomes blurred. “Sufficient” can be regulated and if transparency is to be the key, the word affords not only service users, but also every public sector agency the ability to benchmark in order to determine what is appropriate and satisfactory.

Clear guidance from GEO or EHRC (building on what’s already provided) of the relevant information that is required would help overcome the issues of inconsistency and ensure appropriate information is published.

2- Remove the requirement to publish evidence of the analysis a public body undertook to establish whether its policies and practices had furthered the aims set out in section 149(1) of the Act, and remove the requirement to publish details of the information it considered when it undertook the analysis;

If the requirement to publish evidence of the analysis of whether policies and practices had furthered the aims of section 149 is removed, then those who are in the category of “protected characteristics” will be solely reliant on public sector determined outcomes being the only means by which they may challenge data which draws relative conclusions.

The Local Authority currently demonstrates its commitment to equalities, incorporating analysis, engagement and publication as part of a standardised mainstreamed approach. Publication of equality analysis and engagement is the kind of evidence contained within the authorities Equality Impact Assessments and additional engagement / research data which reflects that we are meeting the general equality duty.

Removing the requirement to publish evidence definitely follows the concept of “lighter touch” however it is contradictory to transparency for the very people on whom such decisions may have adverse impact. It would assist local authorities if alternative examples could be provided for ‘publishing evidence of the analysis’ to move away from current practices such as Equality Impact Assessments, which may prove to be more useful in some areas of the organisations work.

3 - Remove the requirement to publish details of the engagement the public authority undertook with persons whom it considered to have an interest in furthering the aims set out in section 149(1) of the Act, and details of the engagement it undertook when developing its equality objectives

Key engagement activity to support decision-making and policy development is embedded within the culture of the organisation and the partnership. The removal of the requirement to publicly state how a public sector body has taken the interests of the people and communities it serves into consideration could subsequently result in unconsciously impacting negatively on certain individuals or sections of the community. In order to ensure we mitigate adverse impact on residents and promote people focussed equality objectives, the publication of engagement activities would be paramount and embedded within the EIA process or equivalent equality analysis data.

4 - Under the 12 January draft regulations, there was no set number of objectives that public bodies would be required to have. The same is true of the new draft regulations.

We agree with this process and feel that the specification of a set number of objectives may be counter productive, particularly as each public sector agency would determine their appropriateness based on their population demographic and key priorities.

5 - A requirement on public bodies to describe the process of how they will measure progress against their objectives will not contribute to the delivery of equality improvements, so we have removed it.

We agree with this proposal and feel unnecessary bureaucracy around performance reporting may be unhelpful by measuring progress and impact over a short period and feel publishing data related to the outcomes over a longer term (such as meeting the general aims of the Equality Act) is sufficient evidence around progress achieved.