

# WIRRAL COUNCIL

## EQUALITY AND DIVERSITY PORTFOLIO – DELEGATED DECISION ON GOVERNMENT CONSULTATION.

MARCH 2011

<b>SUBJECT:</b>	<b>GOVERNMENT POLICY REVIEW PAPER – THE PUBLIC SECTOR EQUALITY DUTY: REDUCING BUREAUCRACY</b>
<b>WARD/S AFFECTED:</b>	<b>NONE</b>
<b>REPORT OF:</b>	<b>INTERIM DIRECTOR OF CORPORATE SERVICES</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR IAN LEWIS</b>
<b>KEY DECISION?</b> ( <i>Defined in paragraph 13.3 of Article 13 'Decision Making' in the Council's Constitution.</i> )	NO

### 1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to gain members' approval of the Council's response to a Government Policy Review Paper 'The Public Sector Equality Duty: Reducing Bureaucracy'.
- 1.2 The general duty set out in the Equality Act 2010, which comes into force on the 5 April 2011, requires public bodies, and others who exercise public functions, to have due regard to the need to a) eliminate unlawful discrimination, harassment and victimisation, b) advance equality of opportunity, and c) foster good relations between people.
- 1.3 The specific duties that support the general duty were published in January 2011, to come into force in July 2011.
- 1.4 On the **17 March 2011** the Government published a Policy Review Paper, for any comments by **21 April 2011**, to consider if the new specific duties are effective and will deliver real transparency and democratic accountability.

### 2.0 RECOMMENDATION/S

- 2.1 To agree a Wirral Council response to the Policy Review Paper.
- 2.2 To note the tight deadline for responses (21 April 2011).

***Please keep footer at this size to allow Committee Services to paginate***

### **3.0 REASON/S FOR RECOMMENDATION/S**

- 3.1 There is a requirement to implement the general duty as set out in the Equality Act 2010 from the 5 April 2011.

### **4.0 BACKGROUND AND KEY ISSUES**

- 4.1 The general duty set out in the Equality Act 2010, which comes into force on the 5 April 2010, requires public bodies, and others who exercise public functions, to have due regard to the need to a) eliminate unlawful discrimination, harassment and victimisation, b) advance equality of opportunity, and c) foster good relations between people.
- 4.2 The specific duties that support the general duty were published in January 2011, to come into force in July 2011.
- 4.3 On the 17 March 2011 the Government published a Policy Review Paper, for any comments by 21 April 2011, to consider if the new specific duties are effective and will deliver real transparency and democratic accountability.

### **5.0 RELEVANT RISKS**

- 5.1 None

### **6.0 OTHER OPTIONS CONSIDERED**

- 6.1 Not applicable

### **7.0 CONSULTATION**

- 7.1 The Merseyside Equalities Forum met on the 25 March 2011 to discuss the proposals. However, Appendix A is Wirral Council's proposed response.

### **8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 8.1 None.

### **9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 9.1 None.

### **10.0 LEGAL IMPLICATIONS**

- 10.1 The Equality Act 2010 consists of a legal duty for public bodies to publish specific equalities information.

## 11.0 EQUALITIES IMPLICATIONS

11.1 The Equality Act 2010 consists of a legal duty for public bodies to publish specific equalities information.

11.2 Equality Impact Assessment (EIA)

(a) Is an EIA required?

No

(b) If 'yes', has one been completed?

Yes (specify date) / No (*delete as applicable*)

## 12.0 CARBON REDUCTION IMPLICATIONS

12.1 None

## 13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 The furtherance of Equality has a positive impact on Community Safety and Coherence

**REPORT AUTHOR:** *Jacqui Cross*  
*Corporate Equality and Cohesion Manager*  
telephone: (0151) 691 8064  
email: [jacquicross@wirral.gov.uk](mailto:jacquicross@wirral.gov.uk)

## APPENDICES

- Appendix A

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date

**Appendix A**  
**Response to Public Sector Equality Duty: Reducing Bureaucracy**  
**Policy Review Paper Equality Act 2010 – March 17 2011**

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

Whilst welcoming the potential removal of unnecessary burdens, Wirral Council would welcome clarification on what minimum information it would be required to publish in order to support consistency across the public sector and to remove any subsequent allegations of failing to meet standards. We note that the Equality and Human Rights Commission has already published guidance to support this issue and would ask that it is reviewed to ensure coherence.

**Proposal 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;**

Wirral Council understands the legal requirement to analyse the impact of policy and funding decisions and welcomes the proposal to reduce bureaucracy by removing the requirement to publish such. The information will be gathered as part of the legal requirements and could be made available upon request should it be required, therefore still promoting transparency and accountability without the need to publish it.

**Proposal 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**

Wirral Council welcomes this proposal. We fully understand the requirement to involve people and communities in the design and delivery of services, having demonstrated such in undertaking the largest consultation exercise in its history to gain all residents views on service and budget priorities. We would propose making information available upon request in order to promote transparency and accountability rather than have to publish it.

**Proposal 4: Under the 12 January 2010 draft specific duties, there was no set number of objectives that public bodies would be required to have. The same is true of the new draft duties.**

Wirral Council welcomes the fact that there will be no set number of objectives.

***Please keep footer at this size to allow Committee Services to paginate***

**Proposal 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.**

Wirral Council welcomes the proposed removal.