

Public Sector Equality Duty - Qwest FtM UK response to the Government Review

While bureaucratic procedures can be tiresome and not always cost effective there are some that are vital to the outcomes of governance. A lighter touch at Regulation level really should not lead to a lighter touch all the way down to the outcome for the public it was meant to serve: by then it will be so light as to be intangible.

The government when working at its best achieves a contract with the citizens it serves to ensure their safety and security; to offer them opportunities to achieve the good life free from fear and free from unwarranted intervention. That also means there are times when the government has to pay attention to processes where they are designed to achieve transparency and where they make it easier for citizens (especially those whose ‘characteristics’ are to be protected from ill will and the vagaries of chance) to call its public servants to account.

1. Accountability – without legal requirements in place the ability of citizens to call public servants to account becomes impossible. If it is required that public authorities engage with the public and the communities of interest that are intended to be protected by the Equality Act it is hardly a heavy burden or an over emphasis on process to publish information about that engagement and to put it into the public domain. The concern is that precisely because the requirement will be removed engagement will be sporadic, so light as to be intangible, will not have been equality proofed and the public authority’s actions will not be transparent. An added probability is that individual requests for access to the information through the Freedom of Information Act will be made which may add to the costs of the Public bodies but will certainly mean that the process of revealing the details of the engagement process will have to be carried out anyway. It would be more cost effective if there existed a regulation that requires publication of a process that has already been done; which therefore pre-empts the public sector having to deal with numerous individual requests.
2. Intended outcomes – while it is nice to think that choices made will always be fair, in practice this is not the case. Unfettered choice invites self interest without reflection on its consequences. Choice from a range of regulated options is more likely to assist intended beneficiaries. Where a minimum is stated compliance with that minimum is always the self-interested choice.
3. Equivalence - unless there are consistent measures of assessment applied in each case, in each public institution, there will be a failure of dependable outcomes. Inconsistency will mean inequality for some and the state will be accused of allowing life chances to be subject to a “postcode lottery” – something this government should be striving to eradicate.

The draft Equality Act 2010 (Specific Duties) Regulations 2011 of the 12th January are already free from undesirable and unnecessary bureaucracy and they offer a framework and an assessment procedure that will deliver accountability, intended outcomes and equivalence. The government review weakens those regulations. *A duty that is done, is done consistently and is seen to be done* will be more likely to embed fairness of outcomes for those who are reliant on some intervention from the state to help them towards self-reliance.