



## **ENGLISH REGIONS EQUALITY AND HUMAN RIGHTS NETWORK (EREN) RESPONSE TO PUBLIC SECTOR EQUALITY DUTY: REDUCING BUREAUCRACY**

### **Introduction**

#### *About the English Regions Equality and Human Rights Network*

EREN comprises of strategic Third Sector organisations from all 9 English regions with a broad equalities and human rights brief, and a significant membership of associate networks in the Region that they serve. EREN seeks to facilitate the engagement of influential regional equality networks in a regular dialogue with Government and civil society in order to influence and shape policy; collect, examine and share good practice; exchange information and intelligence; and help with delivery across the country. See [www.eren.org.uk](http://www.eren.org.uk) for more information.

#### *Summary*

We are disappointed that the Equality Act has been reviewed again. The revisions appear to favour the powerful interests of public authorities over the interests of local community organisations that represent vulnerable equality groups and those individuals directly affected by prejudice and discrimination.

EREN fully supports the submission made by the Equality and Diversity Forum and this submission does not repeat the issues that are raised therein. We outline in this short paper additional and complimentary issues raised by EREN members from across the country. In summary EREN feels that the proposed changes to the Equality Act run the risk of eroding the power of the legislation to effect change within public bodies. The changes will make it harder for EREN's members (and others) to hold public bodies to account on their decisions and on equality progress. We would recommend that the changes proposed in the policy review are not enacted.

#### ***The Revisions will reduce and not enhance transparency and accountability***

All of our members across English Regions have identified gaps in available data and evidence to measure the progress of public bodies in meeting equality duties. By reducing the impetus for public bodies to publish details of equality analysis and details of how progress will be measured on equality objectives, there is a risk that public bodies will have even more leeway to avoid collecting and sharing data like this. Without having to publish details of

this, there is also a risk that decisions will not be based on robust evidence and on a consideration of all relevant issues in a local area.

We recognise that public bodies will need to publish information about progress against General Duties, however, there should also be a requirement to publish information on how decisions about equality related policies are made. This is critical to maintaining engagement and trust of community groups and is an important component of transparency and accountability. At the very least there should be a requirement for public bodies to make this information available in an agreed format and timeframe if it is requested. Similarly, the duty to provide "sufficient" information should be retained (3.1).

A number of our members have suggested that relying on freedom of information act requests to secure this information will be overly time consuming and wasteful. Public bodies need to take proactive steps to make this information available.

### ***Equality Objectives***

We are concerned that the use of the phrase 'one or more' objectives will allow some public bodies to identify the easiest targets and not to undertake sufficient analysis of where most impact could be made on inequality in their local area/ in their services. In our members' experience, there needs to be more instruction for public bodies on how decisions like this should be made.

A code of practice should outline a minimum level of analysis and consultation that public bodies need to undertake in order to develop equality objectives. This should include a requirement to explain to local communities why particular objectives were chosen and how progress against those objectives will be measured.

There are numerous examples of how the specific duty to engage disabled people in the development of equality schemes has improved the relevance and impact of equality interventions. There should be a requirement to involve a range of groups and individuals in defining local objectives and public bodies should explain why they have not used suggestions from local groups if they decide to focus on something else.

### ***Support for Civil Society***

If EREN members and our networks are to make best use of the opportunities that the Equality Act will bring, particularly those around transparency and holding public bodies to account, they will need support. This is particularly true if public authorities are not required to publish details of equality analysis



and information about how equality objectives will be chosen in advance of decisions being made. We think that these duties should be retained in law.

If these duties are taken away (and indeed if they are kept), civil society organisations will require a receptive environment within public bodies where requests for information can be made and where scrutiny and challenge on equality issues is accepted and used. In the past this has not always been present and public bodies will need guidance and legal instruction to create that receptive environment.

Similarly, the data that is made available to civil society needs to be useable and provided in a timely manner. We would recommend that specific duties and a related code of practice emphasise this point and enable some form of quality assessment of evidence/ data to be undertaken (see point above about retaining requirement to produce 'sufficient' information).

With the proposed reductions in the EHRC's activities in the region and abolition of comprehensive area assessments and other forms of inspection and regulation, supporting local equality focused civil society organisations to hold public bodies to account will be more important than ever. These groups will require investment of resources to enable these activities to be undertaken. Similarly, they may require technical support to engage in analysis of equality based data and to hold public bodies to account.

Ends.

**ENGLISH REGIONS EQUALITY AND HUMAN RIGHTS NETWORK**

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## **ANNEXE 1**

### **LIST OF EREN MEMBERS**

- Equality North East
- North East Equalities Coalition
- North West Equality and Diversity Group
- VCS Equality and Human Rights Network Yorkshire and the Humber – VEHRN (Yorkshire and the Humber)
- Regional Equality and Diversity Partnership (East Midlands)
- Brap (West Midlands)
- Core Equalities Partnership (West Midlands)
- MENTER (East of England)
- HEAR (London)
- INDI South East (South East)
- Equality South West