



**DCFD - Diversity & Citizen Focus
Directorate
Deputy Commissioner's Command**

11th Floor Diversity Central Team
Empress State Building
Lillie Road
London
SW6 1TR

Telephone: 0207 161 2845

Facsimile:

Email: samantha.fores2met.police.uk

www.met.police.uk

Your ref:

Our ref:

Dear Harshbir Sangha,

Please find the MPS corporate response to the Specific Duties: Policy Review document below.

Many thanks

Samantha Fores

**MPS Response to the Government Equalities Office (GEO) 'The public sector
Equality Duty: reducing bureaucracy' policy review paper**

MPS Context

The Race Relations (Amendment) Act 2000 and the subsequent public sector duties were the result of a recommendation in the Macpherson Inquiry into the murder of the black teenager Stephen Lawrence. This area of equality law therefore has particular historical implications for the police services in England and Wales, and particular significance for the Metropolitan Police Service (MPS).

The MPS response to the revised draft regulations is therefore informed by the historical significance the public sector duties has had for this organisation. Please find our response outlined below.

Proposed Changes

The proposed changes to the specific duties are the removal of requirements public bodies to publish details of the:

- equality analysis they have undertaken in reaching their policy decisions and the information they consider when undertaking such analysis;
- engagement they have undertaken when determining their policies;
- engagement they have undertaken when determining their equality objectives;
- means by which progress towards achieving equality objectives will be measured.

In addition, the new regulations also omit the regulation which gave the Secretary of State a power to specify certain matters which public bodies must consider.

Purpose of the Specific Duties

In examining the Government's propositions for the further changes to the specific duties, it is important to be reminded that the purpose of the specific duties is to support the implementation of the general duty. Public bodies therefore have used the specific duties as a guide on how to comply with the general duty. Further, failure to implement the 'specific duties' could often indicate non-compliance with the general duty.

The policy review paper suggests that the Government has reviewed the relationship between the 'specific duties' and the 'general duty' and that the focus for the changes to the specific duties include: making sure that equality considerations feature in the 'policies and practices of public bodies' as well as "minimising the risk that public bodies would feel compelled to more than is needed by following arduous and ineffective bureaucratic processes". Yet it appears with the reduction in the requirements to publish the aforementioned details, there is a real risk that listed public bodies will do *less* than is needed to meet the public sector equality duty. The MPS is concerned that whilst it will be meeting the general duty, other listed bodies which it may be working in partnership with, may not be as compliant with its duty.

Prior to the policy review document, the regulations appeared to have had two main requirements and these were: to publish information; and to set equality objectives. These objectives were unclear from the outset and with the revised draft regulations the specific duties for listed bodies have become even more unclear. As such from our perspective the regulations are vague and they lack clarity which we believe could ultimately undermine their capacity to achieve the desired results. The MPS would welcome the Government providing more clarity on specific duties.

The MPS Response

The MPS welcomes the proposals in regard to the function of citizens and their role in holding listed bodies to account on equalities. Yet, without having sight of the tools and mechanisms which are supposedly in development to help support citizens in this task, it is difficult to envisage how they will be assisted in this way. Further, with the removal of the requirements to publish the 'engagement' a listed body has undertaken to determine their policies and equality objectives, this we suggest, seems to be at odds with one of the Government's stated objectives to improve transparency. Moreover, it could present as a barrier to public scrutiny as information in respect which groups were consulted with in regard to considering equality objectives and determining policies will not have to be published.

The MPS would encourage all the guidance documents to provide an unequivocal steer on the aims of the specific duties and clear measurable objectives underpinning them there will be a risk that there will be different levels of compliance across public bodies and police services as a whole.

With the proposal to remove the requirement to set out how progress on the equality objectives is made, we contend that this could cause a barrier to public scrutiny, as 'progress on equality objectives' is a key piece of information by which scrutiny bodies and the public are able to determine and evaluate the improvements that a public body is making in relation to general duty.

Whilst the MPS recognises the need to reduce bureaucracy, however we are of the opinion that all the proposed revisions in the policy paper will be counter-productive to the Government's stated aim of 'ensur[ing] that equality considerations are appropriately factored into the policies and practices of public bodies', we believe that there is a risk that the reverse will happen.

Rather than removing the requirements, the Government needs to provide clearer and stronger guidance in order to ensure that listed public bodies devote sufficient time, resources and energies to meeting their equalities duties. This is particularly important in an environment where the public sector organisations are likely to receive increasing challenges and potentially be subject to litigation by third party groups representing different protected characteristics as spending and workforce cuts are made.

Finally, the MPS recognises that without writing equality impact assessments into specific duties, there could be a risk that organizations will not realize that there is a requirement for them to be conducted. Moreover, there will be difficulty knowing exactly what is needed to do and organizations will have to rely on the case law.

