

North West BME Policy Forum submission in response to the public sector Equality Duty: reducing bureaucracy policy review paper

1. About One North West and the NW BME Policy Forum

1.1 One North West is a race equality organisation that works with the Black and Minority Ethnic (BME) voluntary and community sector (VCS). We support the NW BME Policy Forum, which brings together a unique mix of front line organisations (both rural and urban and across equalities), social enterprise, infrastructure organisations and national partners. We provide an informed voice that is reflective of the North West's BME voluntary and community sector and provides policy-makers with a unique insight based on the experience, expertise and knowledge of people from within the sector. This response is based on NW BME Policy Forum discussions with thirty members on April 13th in Chester.

2. Summary

2.1 One North West supports the Government's aim of making equality more meaningful. However, we feel that the policy review paper's proposals to remove key elements of the delegated legislation that is intended to give effect to the specific equality duties will undermine this aim. It will also contradict the Government's commitment outlined in the Equality Strategy that: 'Equality is at the heart of this Government.'¹

2.2 The evidence of inclusion and transparent decision making is not arbitrary bureaucracy or part of 'unnecessary process requirements'², but rather, a critical function of democratically accountable governance. The proposed changes will serve to weaken equality objectives and undermine the aims of promoting democratic accountability, transparency and the effective and efficient delivery of public services to all communities in a way that promotes the general duty.

3. Democratic Accountability

3.1 One North West welcomes the Government's objective 'to ensure that the specific duties which support [the general equality duty] are effective and deliver real transparency and democratic accountability'³

3.2 However, we believe that the proposed changes will not deliver this and will in fact fundamentally weaken democratic accountability. As a result of removing the existing processes, communities will be involved *after* a decision has been made, rather than as an intrinsic element of the decision making process. Therefore, this in effect removes the very features that promote true democratic accountability.

¹ The Equality Strategy: Building a Fairer Britain (December 2010) p.5

² Equality Act 2010: The public sector Equality Duty: reducing bureaucracy. (March 2011) p1

³ Equality Act 2010: The public sector Equality Duty: reducing bureaucracy. (March 2011) p.1

3.3 The movement from process to performance is certainly welcomed and if delivered successfully would bring real benefits to our communities. However, this does not need to be one or the other in a zero sum game; there is interdependent relationship between them. An informed process will lead to improved performance.

3.4 The advances delivered through the Race Relations Amendment Act, specifically the tools and mechanisms designed in order to enable communities to engage in the decision making process and hold public bodies to account will be lost. This is not to argue that the previous system did not require improvements and a shift away from a purely process-driven approach that many public bodies learnt how to pay lip service to, but to recognise that this process is required if we are to promote democratic accountability.

3.5 If the Government were to show its commitment to equality, surely it would build on improvements rather than whittle away historical advancements in the name of reducing bureaucracy. Government has often linked equalities and bureaucracy in a way that is unhelpful for the voluntary and community sector. Indeed, the assault on bureaucracy is in itself somewhat ill considered.

3.6 The continued existence of structural inequalities based on race, gender and poverty requires a level of state intervention to promote equality. This requires maintenance of some of the processes that make our democracy function. The evidence of inclusion and transparent decision making is not arbitrary bureaucracy or part of 'unnecessary process requirements'⁴, but rather, a critical function of democratically accountable governance.

3.7 The shift away from a process-driven 'bureaucratic' accountability towards a system that places emphasis on communities challenging unequal outcomes is reliant on a vibrant voluntary and community sector that is able to advocate in partnership with the voiceless communities it often works with. This is at a time when its capacity to do so is being weakened through the reductions in public expenditure and the move away from grants and towards exclusively service delivery. The Big Society accountability that the Government aims for will find a difficult environment from which to emerge and the proposals in the policy review will take away the process and safeguards necessary for this to flourish.

3.8 The proposals do not appear to be consistent with the Big Society's proclaimed aim to involve communities in local decisions; communities will be denied the right to know how a decision was made or to influence the decision from the start. This is compounded in the proposed repeal of the Duty to Involve contained in s.27 of the Localism Bill. Together with the proposals in the policy review, the Government seems to be removing the legal onus on public bodies to be open with the community and to involve them in decisions that affect their lives.

Surely this is not the democratic accountability that is aimed for?

⁴ Equality Act 2010: The public sector Equality Duty: reducing bureaucracy. (March 2011) p1

4. Transparency

4.1 One North West supports genuinely transparent governance as part of a wider strategy to achieve equality. However, by removing the requirement to publish the information that a public body considered and the analysis that it developed in reaching a decision, it is not clear how transparency will be achieved. By publishing data *after* a decision has been made, the transparency of the decision making process will be eroded.

4.2 A tranche of raw data that is not presented in an accessible format and that has not been analysed, will not help civil society be easily able to challenge an outcome and hold the performance of public bodies to account.

4.3 There will be a very limited number of tools to ensure public bodies' compliance with the general duty. As a result of the costs and time restraints of judicial review or the development of case law, the only accessible way to do this will be to make many Freedom of Information requests to all public bodies in order to be able to ascertain how decisions have been arrived at. This could well have more resource implications than the current system of publishing equality impact assessments, therefore actually contradicting the aim of the policy review to reduce bureaucracy.

5. Effective public services

5.1 There is considerable evidence which shows that an assessment of the effect that policies are expected to have on all sections of the community ensures the best policy making, which leads to more effective and efficient public services. The process that is dismissed as bureaucracy is actually a mechanism through which to make better decisions and will ultimately reduce public expenditure.

5.2 There is a concern that the localism agenda will bring unequal access and outcome of services for BME communities, especially in rural areas where institutional racism is more pronounced due to the low numbers of minority groups. By producing guidance, rather than requiring regulation, there is a significant chance that there will be a postcode lottery and people will be discriminated against when accessing public services. This could have implications under the Human Rights Act.

5.3 The policy review states that: we have considered each of the changes carefully and are satisfied none of them will have a negative effect on equality'. The participants of the NW BME Policy Forum, who deliver equality in our communities with considerable expertise and knowledge, disagree with this statement. As do many other equality experts. This shows the inherent dangers with not including a wide range of partners in a transparent and democratically accountable decision making process and the potential impact it will have.

6. Conclusion

6.1 In order to ensure that the specific duties which support [the general equality duty] are effective and deliver real transparency and democratic accountability One North West calls on Government not to proceed with the proposals outlined in the policy review paper.

Appendix 1

The following organizations are members of the NW BME Policy Forum:

- Wai Yin Chinese Women Society
- Awaz (Cumbria)
- BME Women's Solidarity Forum
- Union Street Media Arts
- Burnley Building Bridges
- Unity Youth
- Support 4 Progress
- Sikh Community Warrington
- South Liverpool Personnel
- Voluntary Action Oldham
- One North West
- Lancashire BME Pact
- Oxfam UK
- Refugee Action
- Faith Network for Manchester
- Manchester Refugee Support Network
- Muslim Communities UK
- Stockport Women's Aid
- Salford CVS
- Tameside Third Sector Coalition
- Cheshire, Halton and Warrington Race Equality Centre
- Greater Manchester BME Network
- Manchester Active Voices Youth Empowerment
- Lancashire Wide Network for Ethnic Minority Women
- Liverpool BRM Network
- Al-Ghazali Centre
- The Congolese Association of Merseyside
- CHARA Trust
- Inspired Sisters
- Voice of BME Trafford
- Greater Manchester Youth Village
- Lesbian and Gay Foundation
- Southall Black Sisters
- Deaf Education Advocacy Fellowship
- Merseyside BAME Consortium
- Warrington Ethnic Minority Women's over 50 group
- Civic Roles 4 All
- Voluntary Sector North West
- Chester Asian and Minorities Communities Council