



The voice of nursing in the UK

18<sup>th</sup> April 2011

Harshbir Sangha  
Specific Duties-Policy Review  
Government Equalities Office  
Zone J10, 9<sup>th</sup> Floor  
Eland House  
Bressenden Place  
London  
SW1E 5DU

Dear Harshbir,

### **Equality Act 2010: The Public Sector Equality Duty: Reducing bureaucracy**

With a membership of over 400,000 registered nurses, midwives, health visitors, nursing students, health care assistants and nurse cadets, The Royal College of Nursing of the United Kingdom (RCN) is the voice of nursing across the UK and the largest professional union of nursing staff in the world.

RCN members work in a wide variety of hospital and community settings in the NHS and independent sector. The RCN promotes patient and nursing interests on a wide range of issues by working closely with the Government, the UK parliaments and other national and European political institutions, trade unions, professional bodies, voluntary and community-based organisations.

The RCN welcomes the opportunity to respond to this policy review paper consultation on the specific public sector duties.

### **Summary**

Whilst the RCN welcomes an enhanced focus on outcomes and performance as a principle suggested in the policy review paper, we also acknowledge that public sector bodies need clear, efficient and transparent processes in order to deliver better outcomes.

The RCN does not agree that the removal of some of the requirements to publish information as outlined in the policy review paper will lead to greater transparency or accountability. On the contrary, we remain deeply concerned that it will lead to their lack and cause unnecessary confusion.

Given that current requirement on public organisations to publish information primarily relates to them simply summarising the actions they should have already undertaken to ensure that they arrive at better-quality decisions, we therefore do not believe that they are bureaucratic.

We remain deeply concerned that the proposed measures will lead a damaging lack of transparency which can have the impact of eroding trust and confidence in the context of partnership working where

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matters of accountability crucial to their effective operation and mutual engagement. We are also alarmed that in this instance, necessary, viable and effective processes are mistakenly labelled as bureaucratic and summarily dispensed with at the expense of achieving transparency and accountability.

### **Detailed points**

The RCN recognises that the specific duties have a valuable and critical role to play in ensuring that equality is effectively mainstreamed and delivered throughout the public sector and beyond.

As we have responded in previous consultation exercises, we agree that the specific duties should be clearly orientated towards effective action and centred on the delivery of outcomes. We have previously welcomed the broad principles regarding transparency and accountability and have supported the proposition that public authorities should be freed from unnecessary bureaucracy.

We also support the broad proposition that public bodies should take full responsibility for ensuring that they meet and respond to their obligations as defined by the Equality Act 2010.

However, the regulations should be explicit in their understanding that compliance with the duties should not be viewed as an optional extra. The use of the phrase 'one of more objectives' in clause 2(1) suggests that it is possible to comply with the general duty in section 149 in respect of all the prohibited grounds by setting one equality objective. If the purpose of the specific duties is to give effect to the general duty, then the setting of a single equality objective is unlikely to achieve that goal and lead to an unhelpfully narrow focus that does not serve to meet needs.

The regulations should also include a requirement to take action to achieve the objectives once they have been set. To set objectives and then be under no obligation to fulfil them simply wastes time and valuable resources. Further it sits uneasily with the Government's stated commitment in its own equality strategy.

It is our view that the requirement to publish information about engagement and equality analysis undertaken is not remotely onerous as public authorities simply need to describe the actions and deliberations that they are legally required to do in arriving at their equality objectives and analysing the impact of policies.

We are confident that public authorities have the requisite skills needed to provide clear and comprehensive summaries of this information to the extent that the requirement to publish this information cannot reasonably be considered onerous or bureaucratic in nature.

The Royal College of Nursing believes that in its current form, the specific public sector equality duty builds both trust and accountability amongst a wide range of stakeholders. We also believe that the requirement to publish information about the processes used to make decisions which affect individuals and communities is essential to good governance, partnership working and engagement with civil society.

This information forms a critical component of healthy partnership working arrangements and enables other groups in civil society to hold public bodies truly accountable for their performance and the outcomes that they have achieved. It is precisely the availability of this valuable information that enables key stakeholders to work together to deliver equality and other outcomes and enables public bodies to efficiently leverage the added- value that is generated by transparent partnership working.

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We trust that our response to your policy review paper is clear and we would be delighted to provide further information if necessary.

We would welcome the opportunity to discuss our comments with you in further detail. Please contact Wendy Irwin, Head of Diversity at [wendy.irwin@rcn.org.uk](mailto:wendy.irwin@rcn.org.uk) or alternatively contact her on 0207 647 3486.

Yours sincerely

**Dr Peter Carter**  
**Chief Executive and General Secretary**

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