

BAN response to the policy review paper on the Equality Act 2010 and specifically to “The public sector Equality Duty: reducing bureaucracy”.



Black & Minority Ethnic Advice Network
Delivering Advice, Information And
Legal Representation Services

Harshbir Sangha
Specific Duties – Policy review
Government Equalities Office
Zone J9, 9th Floor
Eland House
Bressenden Place
London SW1E 5DU

20th April 2011

Dear Harshbir,

BAN (BME Advice Network) is a pan London network of 43 quality assured advice services delivered by and for people from London’s migrant refugee communities. BAN aims to promote access to good quality culturally appropriate advice services to all Londoners, to foster, develop and encourage closer working relationships amongst partner organisations and to provide a voice for the BME-led advice sector in London, and assist and influence policy and decision-making where it affects the work of the sector.

BAN welcomes the opportunity to respond to the Policy review paper on the Equality Act 2010 and specifically to ‘The public sector Equality Duty: reducing bureaucracy’.

We are extremely disappointed that subsequent to the consultation and response to the August 2010 draft Specific Public Duties of the Equality Act 2010, the Government has chosen to undertake a further review of the public sector duties.

We acknowledge that in line with Government policy there is a general and valid case to cut back on bureaucracy and free public bodies to use their resources as they see fit, however we would seriously question the assertion that ‘there is room to strip out unnecessary process requirements’. The area of Equalities should be an exception to this trend for the following reasons:

- One of the strengths of the Equality Act 2010 is the statutory requirement for each public body to demonstrate its compliance through the production of information, analysis and details of engagement that were undertaken to meet its duties in terms of the Act. The removal of these requirements will leave the public with insufficient information on whether the public body has met its duties and will be unable to hold the public body to account, contrary to the governments stated intent. Such removals would, we believe, result in a lack of transparency in the development of equality objectives, and also

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seriously undermine partnership working arrangements between the public sector and civil society organisations. It has been suggested that this is to allow space for public sector bodies to shift energies and resources to working with service users, however we do find it ironic that that the Government has presented such a short sighted vision and is unable to see that the process of consultation and service delivery can run simultaneously, we would point to JSNA’s as a classic example.

- For any public body to only report against a single objective (or multiple objectives) every four years would set back the elimination of unlawful discrimination, the advancement of equal opportunity and the fostering of good relations’. The system developed through the duty to publish Equality Schemes and Action Plans where progress is measured and presented each year, has resulted in real progress since their introduction. London has a highly diverse and mobile population and the changes to demographics are likely to be faster here than any parts of the UK. Only publishing objectives every four years will be insufficient to track the changes to many communities in the Capital, including BME communities, and identify and address their needs in a timely manner. We believe that more guidance should be provided to local authorities on how they reason and publish information annually to demonstrate their compliance with the general equality duty.
- The BME communities BAN serves represent some of the most excluded and politically unpopular communities in the capital. The economic downturn is likely to reinforce this tendency and may increase popular support for extreme groups at local level. In this context the failure to stipulate regulation could act as a further hindrance to addressing equality issues locally and could even allow public sector bodies to reprioritise the level of resources levied for equality work. We also believe that without a requirement to set out how progress meeting equality objectives are measured, there will be no opportunity to evaluate whether objectives are being met
- We would also like to draw your attention to two recent Judicial Reviews that have impacted on the voluntary advice sector. London Councils is currently conducting a supplementary consultation on a review of its Grants Scheme. The original decision in December 2010 was the subject of a successful Judicial Review based on a failure to conduct an adequate equalities impact assessment. There are still concerns with regard to transparency on the supplementary consultation.
- Birmingham City Council’s decision to cut funding to advice was also subject to a successful Judicial Review. In this case the High Court ruled that the Council had failed to consult and consider the impact of the cuts properly.

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- We believe that rather than relax the current equality duty, public authorities should be subject to enhanced scrutiny and enforcement rather than the current system whereby challenge is via a Judicial Review with its attendant costs in time and money to all parties.
- We would also maintain that the overemphasis on transparency is a red herring, since greater freedoms to information are already in place and implied through the Freedom of Information Act and localism bills.
- We are concerned at the shortened period of the consultation, which is again not COMPACT compliant, and see no reasonable justification for this.

Equality in this country has been hard fought for and is not yet complete. The Equality Act 2010 finally brought together all previous legislation and strengthened the rights of many people with protected characteristics – this was greatly welcomed. The past shows us that without legislation, change does not happen and Equality does not progress. The March 2011 policy review on the Public Sector Equality Duty seriously undermine the legislative impetus required to progress Equality and inhibits the ability of the public to hold public bodies to account. As such we most strongly urge the Government to resist the temptation to over simplify the public duty and return to the August 2010 draft specific duties.

Yours sincerely

Avinash Mandalia

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Chair (BAN) Black & Minority Ethnic Advice Network

List of BAN members

Advice Learning Bureau
Afro - Asian Advisory Service
Asian Women's Resource Centre
Asylum Aid
Asylum Support Appeals Service
Barnet Refugee Service
Bosnia Herzegovina Community Advice Centre
Carila Latin American Welfare Group
Centre for Armenian Information & Advice
Chinese Community Centre

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Day-Mer Turkish Community Centre
East European Advice Centre (EEAC)
East London Somali Youth and Welfare Centre
Embrace UK Community Support Centre
Evelyn Oldfield Unit
Haringey Somali Community & Cultural Association
IMECE Turkish Speaking Women's Group
Iranian and Kurdish Women's Rights Organisation
Iranian Association
Iranian Community Centre
Iraqi Association
Island Advice Centre
Kurdish Association
Latin American House
Latin American Women's Rights Service
Lewisham Refugee Network
Limehouse Project
London Irish Women's Centre
Migrants Resource Centre
Multi-Lingual Community Rights Shop
Newham Monitoring Project
Notre Dame Refugee Centre
Refugee Action Kingston
Refugee and Migrant Forum of East London
Refugee and Migrant Justice
Refugee and Migrant Network Sutton
Refugee Women's Association
Roma Support Group
Sangam Association of Asian Women
Sangat Advice Centre
Tallo Information Centre
Tamil Relief Centre
Tamil Welfare Association Newham
Welwetchia Legal Advice Centre