

RESPONSE FROM CHESHIRE HALTON & WARRINGTON RACE & EQUALITY CENTRE TO GOVERNMENT CONSULTATION ON THE PUBLIC SECTOR SPECIFIC DUTIES

1. Cheshire, Halton and Warrington Race and Equality Centre (REC) is a charitable company that has been in existence since 1995. It was formerly known as Cheshire Racial Equality Council and its aims are to eliminate discrimination, especially racial discrimination and promote equality of opportunity and good relations.
2. Part of the work of the REC is policy development, which includes advising public authorities around best practice in equality issues. We have advised many public authorities in our geographical area about impact assessment, equality schemes and other areas of the old public duty and have gained a significant insight into the effectiveness of the legislation.
3. The REC was therefore concerned to see the proposed changes to the specific duties.

REMOVING REQUIREMENT TO PUBLISH

The Government proposes to remove requirements on public bodies to publish details of the:

- engagement they have undertaken when determining their policies;
 - engagement they have undertaken when determining their equality objectives;
 - equality analysis they have undertaken in reaching their policy decisions; and
 - information they considered when undertaking such analysis
4. We believe that the requirement to publish this information is the backbone of good equality practice, as it allows the public to hold public authorities to account for delivering equality outcomes.
 5. We note that the government says it is committed to equality and fairness, but we cannot see how this sits comfortably with the removal of these requirements. Whilst we understand a reduction in bureaucracy, we do not see that this is an unnecessarily bureaucratic process – indeed we see it as a necessary part of ensuring equality of outcome for marginalised communities who have in the past been ignored.
 6. Without this requirement to publish, how are communities able to find out how public authorities have come to the conclusions that they have? How are they going to be able to hold the public sector to account for their decisions? Our experience with public sector suggests that the requirement to publish this information focuses the mind of decision makers, to ensure that they have taken account of everyone's

needs rather than plucking equality objectives from the air, or taking the easiest options. The process is something that is necessary to come up with tangible equality plans that take into account the needs of the most disadvantaged and under represented.

7. It is clear that without a clear mechanism that is accountable to the public for equality outcomes, that organisations such as ourselves will have no choice but to challenge public sector equality decisions through Freedom of Information Act requests, which will only serve to increase the burden on public authorities.
8. It is interesting that a key part of the Localism Bill is about opening the government to public scrutiny and about being more accountable and transparent and yet these proposals fly in the face of these ideals by reducing accountability of public sector to the groups which are most in danger of being left out of decisions that affect them.
9. Whilst the document states that there should be concentration on performance rather than process, this in our view demonstrates a lack of understanding of the need for process to achieve performance. We have seen over the years many mistakes by public sector when it comes to equality outcomes, and this was primarily the reason for the legislation in the first place. If we look at the Race Relations Amendment Act – this was in direct response to the Stephen Lawrence Inquiry Report. We have made significant progress in the equality field as a result of this and later legislative changes and our concern is that we revert back to the days when ‘due regard’ was essentially ignored because there was no element of accountability. Let us not forget that there was a duty on local authorities from the Race Relations Act in 1976, but it was essentially forgotten about because there was no process and no accountability built into the duty to bring it to life.

PREPARING AND PUBLISHING EQUALITY OBJECTIVES

10. We are also concerned about the changes to preparing and publishing equality objectives, being changed to preparing and publishing one or more equality objectives.
11. As the document concurs, this leaves the door open for authorities to concentrate on just one equality objective. Our concern is that if only one or even two equality objectives are considered as acceptable that it is likely authorities will concentrate on either a) equality areas where they have little data or b) those that are considered easier or more attractive to the wider public. Thornier issues like race equality will be ignored in favour of other equality areas; which in our view is justifying a ‘hierarchy of equalities’ as well as potentially causing friction between equality groups themselves. We think that public sector should ensure that they set measurable equality objectives for all areas of equality – ensuring that each protected group has their key issues addressed.
12. In areas like Cheshire where there is a lower BME population, we have fought hard and utilised the legislation to ensure that race equality is not ignored. It is typical that in areas like ours that race equality is not considered priority on the basis of

numbers, rather than need. What is often forgotten is that lower BME populations have different types of issues – isolation is a major problem encountered in this area and the general lack of cultural awareness of service providers causes barriers for BME communities. We have made real progress, but in these times of public sector cuts, we can see that giving them the ability to prioritise equality strands over each other will no doubt set us back significantly, and we will once again have to fight to keep race equality on the agenda.

13. In addition, if there is no requirement to publish how the authority came to the decision it did on the objectives we are likely to find that the authority is not concentrating on the issues that their communities feel need to be addressed. This will no doubt result in challenges to the authority's decisions.

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