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## **Response to GEO Policy Review Paper on Amendments to Specific Duties under the Public Sector Equality Duty**

We wish to respond to this policy review paper and we want to make it absolutely clear that we totally disagree with the proposed changes to the Specific Duty. We feel the changes are driven by political expediency and political motives which in no way are compatible with giving genuine rights to disabled people, who are some of the most marginalized and excluded of all the protected groups.

Our specific concerns are set out below:

1. The removal of 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.

We feel these proposals are utterly unacceptable. Many public bodies already claim to have engaged with disabled people when

what they have actually done is produce a questionnaire, or expect disabled people and their organisations to provide input to engagement processes for no remuneration. At present there is no clear link between any of these processes and how objectives are set, and most public bodies see engagement in a very passive sense; i.e. it is not true involvement. Therefore if things are like this now, when there is no requirement to publish there will be no way at all that disabled people can in any way challenge how public bodies have involved them effectively.

2. The proposal to omit the regulation which gave the Secretary of State a power to specify certain matters which public bodies must consider.

The Secretary of State Duty is a key instrument in tackling systemic discrimination in the public sector at national level. The tone of all the proposals around the Specific Duty seem to assume that it's only 'local bodies' that people will need to hold to account. What about national government agencies such as the Ministry of Justice? With a reduction the resources of the EHRC and a possible limit of its powers how does the Government realistically expect these bodies to be held to account in any meaningful way? It is our contention that in fact the Government is not sincere in its commitment to making the wider public sector accountable to disabled people in any case.

3. The proposal to remove the requirement to publish evidence of the analysis a public body undertook to establish whether its policies and practices had furthered the aims set out in section 149(1) of the Act, and remove the requirement to publish details of the information it considered when it undertook the analysis.

Again we are utterly opposed to this proposal. In our experience of dealing with the Disability Equality Duty, our conclusion is that

public bodies consistently fail to publish schemes which link priorities agreed with disabled people to clear actions, and they also consistently fail to publish good information about progress against any objectives set. One example was about how a local authority would promote employment opportunities for disabled people by using the 'two ticks' symbol. Their update report on year two of their Disability Equality Scheme simply said that 'a member of HR staff spoke to JobCentrePlus and we were re-awarded the symbol'. This is nonsense. Where is the accountability to disabled people in terms of demonstrating that a commitment to the two ticks symbol requires action and demonstrable proof that the local authority or public body really has improved employment prospects for disabled people. If public bodies don't even have to publish this sort of data, we feel that bad practice like this will flourish under a veil of rhetoric and fine words.

4. The proposal to amend the requirement from "*Public authorities must prepare and publish objectives*" to "*Public authorities must prepare and publish one or more objectives*"

We are opposed to changing this wording. This is because we believe that unless there is a requirement to publish a number of objectives, that the barriers and discrimination faced by all the protected groups will not be addressed. It makes no sense to extent the public duty to all protected groups then allow public bodies to only set one or two objectives. The danger as we see it is twofold. Firstly, public bodies could simply publish a meaningless generic objective such as 'we will ensure our organisation meets the PSED', which gives no recognition to tackling specific and persistent barriers faced by disabled people. Secondly, there could be a danger that public bodies may feel they have 'done disability' and that they should focus only on the new protected groups. This is not only very dangerous, because there are still massive issues for disabled people in all aspects of

their lives that are controlled or influenced by the actions of public bodies, but also because it could create resentment between protected groups about who is 'most disadvantaged' and 'most important to work with'. We feel the Government in vesting far too much trust in public bodies to set clear, meaningful objectives. Many of those set in Disability Equality Schemes were in our view not clear and meaningful and this was when they had a requirement to publish!

5. The proposal to remove the requirement to set out how progress will be measured.

Again this is totally unacceptable. If public bodies don't have to publish how progress will be measured, then how can disabled people hold them to account? It would be like asking someone to measure the amount of liquid in a bottle with their eyes shut and not being able to touch the bottle in any way. This cannot be allowed to stand.

Overall we are very unhappy with the proposals and very much hope that they will all be scrapped.

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