



Response to the Government consultation on their proposals for revised specific duties under the public sector equality duty from Avon Fire and Rescue Service

Requirements of the consultation

The Government has revisited the draft regulations for specific equality duties (under the 2010 Equality Act) and has released a Policy Review Paper to consult on changes aimed at further reducing the focus on process and bureaucracy.

The key differences of the new draft regulations from those published on 12 January are 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;
- quality analysis they have undertaken in reaching their policy decisions; and
- information they considered when undertaking such analysis.

- amending the requirement from “Public authorities must prepare and publish objectives” to “Public authorities must prepare and publish one or more objectives”

- Removing the requirement to set out how progress will be measured.

Public Sector Equality Duty: Reducing Bureaucracy and simplification

Statutory authorities have been committed to eliminate discrimination and the Public Sector Equality Duty

One of the purposes of the Equality act was to simplify the law on equality. However, having clear requirements, as in the original specific duties, helped that simplification. Organisations knew **how** to demonstrate that they were meeting the general duty to eliminate discrimination, advance equality of opportunity and foster good relations.

Specific Duties provided a simple blueprint for us to translate our commitment into action.

They are also part of the “transparency agenda” so that we have to make clear to the public why we do what we do

Equality Impact Assessment and knowing our communities

Whilst some would see the changed regulations as weakening the requirement to conduct equality impact assessment, as the General Duty remains, we need to be able to demonstrate that we are meeting that duty.



Continuing with the methodology of the specific duties and conducting equality impact assessments is a way to do so. Recent court cases indicate that the requirement to conduct EIAs before decisions are taken is strong, not conducting them leaves public authorities open to legal challenge.

In conducting equality impact assessments, “doing equality” can be seen’ as part of the public body’s core business without the analysis of how we have engaged with our stakeholders and communities, we can neither conduct equality impact assessments nor demonstrate compliance with the general duty. Knowing our communities is at the heart of our equalities work.

For Fire and Rescue Services we need to know the concerns of elderly and disabled people, as they are at greater risk of death and injury from fire and require different responses from us (such as vibrating smoke alarms). We need to engage with vulnerable groups at greater risk of death and injury from fire and these groups (alongside areas of socio economic deprivation) are in the main the target groups identified in the protected characteristics defined in the Equality Act.

We need to understand and reach out to particular communities, for example we have established a relationship with the Imam and Muslim community in Bath, which gives us access to homes where there are Muslim women alone to conduct home fire safety visits, This would not have happened without our prior engagement

We consider that the revised regulations should reintroduce the requirements to engage, analyze and publish information.

Publication of Information

We believe that the requirement to publish information on engagement undertaken and on equality analyses is vitally important. Without the requirement to show what has been done, some public bodies are more likely to dispense with engaging with communities and not undertake a proper assessment of the equality impact of their policies. These activities are central to the delivery of equality. To move from a system where such matters are required to one where they are, not sends a signal that they are no longer important. We consider that the requirement to publish information should be a key element of the specific public sector equality duties.

Implementation Dates

Our initial response was that we were disappointed that this revised consultation request came only just days before the new specific duty regulations in England were to be enacted. This also sends a message to public bodies that having the basic structures in place to deliver on equality is perhaps less important.

We think that the best course would be for the government to implement the Specific Duties as set out in the draft Regulations published in January, as these will enable



public bodies to realise their duty to eliminate prohibited conduct, advance equality and foster good relations.

However now that a new consultation has been opened, we can see that the 31st December (the same date as for schools) is a realistic time frame.

Setting objectives

We believe that reducing the requirement from setting objectives to setting only one objective is a serious diminishment. We already, in our Single Equality scheme, have set thirty nine objectives, from ensuring all new policies and initiatives have equality impact assessments, working with partners to improve knowledge of communities, increasing the number of Home Fire safety visits to people disproportionately affected by fire to creating work experience vacancies for disabled people and recruiting more female fire fighters and BME staff. It would not be possible to choose only one objective from this list.

Measuring progress

Removing the requirement to measure progress means removing the mechanism to keep public authorities on track and gives the impression that progress is not important. That which is measured and monitored is that which gets done; we believe that monitoring progress is essential.

Conclusion

At Avon Fire and Rescue we found the specific duties on how to implement the General Duty, a useful tool and hope that the consultation will result in the publishing of revised specific duties on a similar line to the originals.