

CHESHIRE FIRE AND RESCUE SERVICE

Equality Act 2010: The public sector Equality Duty: Reducing bureaucracy – Policy Review paper

Whilst we wholeheartedly agree with the need to shift the focus of public bodies onto the delivery of equality improvements for their staff and service users, rather than focusing their efforts on bureaucratic processes, we do have a number of concerns regarding the removal of key elements from the Specific Duties, these being;

If we are truly devolving power to local residents / support / community groups to challenge decisions and hold public authorities to account, then it is our belief that the publication of information is vital to enable such groups to make an informed decision as to whether they feel the organisation has done enough to involve them in their decision making processes. Having a specific duty relating to the publishing and undertaking of equality analysis and engagement gives community groups a clear understanding of the situation the public authority is in and the rationale for the decision being made. This will help community members to understand to what extent the public authority is satisfying the general duties of the Equality Act.

The organisation in order to justify their decisions will have to undertake some form of equality analysis and be able to present this if they are challenged. Organisations will still have to undertake some form of analysis to justify their decisions therefore removal of the specific duty will have no impact on reducing bureaucracy. It is our belief that this element of the original specific duties was key in demonstrating compliance with the general duties. It would improve transparency by giving community groups an understanding of what is expected to be delivered by public authorities and therefore a clue as to what they could potentially challenge. As a public authority our concerns are two fold, it could lead to increased challenges and therefore lots of unnecessary time spent justifying decisions, and also it may lead to retrospective analysis which could be costly if challenged in a court of law.

We felt that the specific duties set out in the draft regulations in January gave a clear understanding to community groups about the expectations that they should have of public authorities, whilst at the same time giving public authorities enough flexibility to not feel tied to unnecessary processes that are purely a tick box exercise.