

## **Equality Act 2010 – the public sector Equality Duty: reducing bureaucracy**

Leeds City Council's response to the policy review paper on the new draft regulations (17 March 2011)

### **Introduction**

The revised draft regulations will require public bodies to:

- publish equality objectives every four years;
- publish information annually to demonstrate their compliance with the general Equality Duty;
- in particular publish information relating to their employees (for bodies with 150 or more staff) and others affected by their policies and practices (such as service users)

All information must be published in a way that is accessible to the public.

The policy review is interested in responses to:

- lighter-touch transparency requirement – which relates to the publishing of information;
- equality objectives – which amends the wording for the number of objectives to be published, and the requirement to set out the process of how progress will be measured, and
- the removal of the requirement for public bodies to consider such matters as specified by a Minister of the Crown in a written statement to Parliament.

### **Lighter-touch transparency requirement**

We welcome the opportunity to ensure equality considerations are appropriately factored into the policies and practices of public bodies, whilst minimising the risk that public bodies would feel compelled to do more than is needed, by following arduous and ineffective bureaucratic processes. This should shift the focus onto the delivery of equality improvements for our staff and service users rather than process.

It is also welcomed that public bodies should take responsibility for how they go about responding to their obligations, which are less prescriptive. However, we do have some concerns about the expectation that challenge from the public will be the key means of holding public bodies to account for their performance on equality.

There does seem to be some confusion about what will be required. On the one hand public bodies can decide for themselves what they publish, on the other hand tools and mechanisms are being produced to support organisations and individuals to challenge public bodies effectively to ensure they publish the right information and deliver the right results.

At Leeds City Council we have developed a process to enable us to give due regard to equality and diversity in all our decisions which will help us to meet our legal obligations. The Government proposes the removal of requirements on public bodies to publish details of the:

- engagement undertaken when determining our policies
- engagement activities undertaken when determining our equality objectives
- equality analysis undertaken in reaching our policy decisions, and

- information considered when undertaking our analysis

Leeds plans to continue to publish completed screening and impact assessments which will be supported/include the engagement activities and information used to help consider the impact of decisions on equality and diversity.

### **Equality objectives**

We would agree with the suggested amendment from *'Public authorities must prepare and publish objectives'* to *'Public authorities must publish one or more objectives'*.

Taking a proportionate approach should take into account the size and the role of the public authority and its current equality performance so in some circumstances a single objective could be appropriate.

As suggested by Government, we also recognise that a requirement on public bodies to describe the process of how they will measure progress against their objectives will not contribute to the delivery of equality improvements. However, we do see the value in providing this information, in an appropriate format to relevant parties such as elected members, staff, our customers, the wider public and our partners. Particularly if the public are taking an active role in monitoring our progress. We hope this will help us to be confident and consistent with our messages, understand how we measure progress and understand and address any areas of concern.

### **Matters specified by a Minister of the Crown**

We agree in principal that priorities are best set by public bodies locally, not by Ministers centrally. However, we would like to reiterate our comments in response to the original consultation for the public sector duty in September 2009.

There are going to be occasions when support at a 'central/national' level will be of greater importance and will strengthen work and priorities at a local level. For example, improving the quality of service provision for Gypsy and Traveller sites and the availability and location of bail hostels.

### **Conclusion**

Overall we welcome the less bureaucratic and prescriptive regulations. However, as guidance is not a legal instrument, you may get inconsistent approaches developed. If a public authority is to be required to do certain things in certain ways then regulation would be better which would state this then we would know what is expected.

This will also help if we are challenged and will help those organisations and individuals who are providing challenge.