

Equality Act 2010: The public sector equality duty: Reducing bureaucracy – Policy review paper (issued 17th March 2011) by GEO

Response from Durham County Council (21st April 2011)

The policy review paper outlines proposed changes to the draft specific public sector equality duty (PSED) due to come into force in July 2011. This is Durham County Council's response to the Government's request for views on this paper.

Generally we welcome the Government's approach in seeking to ensure proportionate regulation as this allows a tailored approach to local circumstances and priorities. We also welcome the emphasis on local accountability and transparency alongside a focus on delivering equality improvements across the whole community. The requirements to publish information on a range of issues supports this focus and we welcome the requirement to ensure that all information is accessible, this is particularly important given that those intended to benefit from equality improvements often include some of the most vulnerable individuals in our communities. In addition we have outlined our specific observations on the proposed revisions.

Removal of the requirements to publish specific information.

It is unclear from the policy review paper how the decision to revise certain elements of the PSED was reached and we are concerned that removing requirements to publish information will weaken local accountability. Increasing transparency would require a degree of information to be readily available to all in order to encourage scrutiny and comparison. Publishing information on engagement and analysis would enable comparison across public authorities, support partnership working and offer opportunities for business, community and voluntary organisations to propose specific contributions where further work is needed. There is a risk that reducing the burden on public authorities to publish information may impose a burden on local people and organisations to request a response, for example through Freedom of Information requests, which would require similar if not greater time and resources for public bodies.

It is our view that the draft regulation on PSED issued in January 2011 would provide proportionate and appropriate minimum information guidelines which could be used by all public authorities to reflect the size and scope of their organisation. Whilst we recognise that publishing primary evidence and exhaustive pieces of analysis would be cumbersome and may overwhelm some local communities it would seem reasonable for public bodies to provide a general statement on their approach and an indicative list of evidence.

In light of the continued requirement to publish information on compliance with the general equality duty it would seem reasonable to provide a 'baseline' which would offer a level of clarity for local communities.

Equality objectives

Whilst we recognise the need for proportionality we maintain the view (in our response to the initial PSED consultation) that the requirement provides an opportunity to encourage partnership working and focus on long-term outcomes, it is important that the emphasis on delivering equality improvements is not lost in concerns on the number of objectives to be set. In our view the change of wording to 'one or more' is not helpful or necessary, each public body should be accountable for its equality objectives without the potential to 'hide' behind the wording of this regulation.

In addition the removal of requirements to set out how progress will be measured seems to undermine standard practice in achieving SMART objectives and outcomes. The reason for the change is unclear from the policy review paper but we strongly recommend that this requirement is maintained as a proportionate and sensible approach.

Development of further guidance, tools and mechanisms

We would also welcome early details on the proposed tools, guidance and mechanisms (reference: page 4), along with an opportunity to contribute to their development where appropriate. Specifically we suggest that any guidance recognises that public authorities have a responsibility to encourage and facilitate challenge from those vulnerable groups who are less confident in or able to use formal routes. This will help ensure that local equality priorities and objectives are not driven by solely by those who already have a strong voice. It is essential that public authorities balance the needs of all local people in determining policy and future plans as part of the requirements of the general equality duty, the proposed tools and mechanisms will form a key part of this approach.

Conclusion

We welcome the Government's approach to proportionality, transparency and local accountability in delivering equality improvements. Given the need to encourage and facilitate broader scrutiny and challenge we believe that publishing a range of accessible information would promote participation and provide opportunities for greater involvement with business, voluntary and community organisations in filling some of the 'gaps' in evidence. As such, we believe there is value in retaining some of the elements from the original draft regulations. We would also welcome early sight of the guidance and tools which are currently being developed and an opportunity to contribute where appropriate.