

EQUALITY ACT 2010

Public sector Equality Duty: reducing bureaucracy Response from Devon & Cornwall Constabulary

The coalition government has identified four key objectives that underpin the specific duties. These are

- a) **Improving transparency:** through requiring public bodies to publish data on their impact on equality and transparent information on staff and pay
- b) **Devolving power:** liberating public bodies from top-down targets and allowing them to identify and work towards achieving their own priorities
- c) **Focusing on measurable results:** to reduce the time that public bodies spend on fulfilling repetitive processes and instead to focus on what works
- d) **Enabling the public to exercise greater choice:** more freely available data will enable people to compare the performance of public bodies and hold them to account.

Response to the Government Equalities Office Policy Review paper

In responding to the proposed changes set out in the policy review paper careful consideration has been given to whether the proposed changes would support the key objectives that underpin the specific duties.

1. Publication Requirements

The policy review paper proposes further revisions to the proposed specific duties and removes the requirements on public bodies to publish details of the:

- Engagement they have taken when determining their policies;
- Engagement they have taken when determining their equality objectives;
- Equality analysis that has been undertaken when making policy decision;
- Information that has been considered when undertaking such analysis.

Response to proposed changes

- The Government has stated that it is interested in the delivery of equal treatment and equal opportunities for all and wished to focus on outcomes as opposed to the processes that support delivery. It has made it clear that the requirement to have “*due regard*” for the three aims of the general duty will require organisations to consider and analyse the evidence of how decision and actions will impact on the community and in doing so to engage with people, staff and service users.
- The proposed changes do not, therefore, remove the requirement to undertake the processes that support delivery of equality outcomes. Instead they simply remove the requirement for transparency and so this proposal does not support the government’s objectives of ‘improving *transparency*’ and ‘enabling the public to exercise greater *choice*’.

- The proposals are also unlikely to result in a reduction in bureaucracy since publication of equality analysis data is not an onerous requirement as long as the analysis has been undertaken and the details recorded. In addition, removing the requirement to publish this information as a matter of course is likely to result in a significant increase in the number of freedom of information requests that we have to deal with. This could be seen as an increase in bureaucracy and will have significant resource implications for the constabulary.
- There is also a risk that removal of the requirement to publish will lead to some public bodies mistakenly believing that the general duty requirement to pay due regard no longer applies. We have already seen evidence of significant confusion regarding this. If this happens there is a significant risk that there will be an increase in legal action to challenge policy decision resulting from a failure of organisation being able to clearly demonstrate how they have met their general duty obligations.
- Increasing the information that is publicly available will have a positive impact on accountability and on public confidence in public services as it clearly demonstrates how community needs have been considered when making decisions about service delivery and resource allocation.

It is our view that the requirement to publish evidence of engagement and equality analysis will have a number of benefits

- It increases transparency and provides the public with the information that they need to hold public services to account.
- It empowers communities by providing them with information about the difference that public services are making to the lives of different communities
- It creates the opportunity for hard to hear communities to identify whether their views and needs have been considered and to make their views known.
- It ensures that information is shared across different agencies as the information is publicly available and so agencies can use information from engagement undertaken by other organisations to support their own assessment processes.
- Evidence of analysis from one public body can be used to support another organisation knowledge and understanding of the potential impact of a particular policy or decision. This will reduce bureaucracy and costs over time.

2. Equality Objectives

The policy paper proposes changing the requirement from *“Public authorities must prepare and publish objectives”* to *“Public authorities must prepare and publish one or more objectives”*. It also removes the requirement for organisations to set out how progress on the objectives will be measured.

- It is recognised that the new wording of the requirement provided greater flexibility and this may be particularly important for smaller organisations. It will also allow organisations to adopt a targeted approach which may be necessary in a time of economic austerity.

- In our view it is clearly important that organisations measure and report on the progress in delivering on the equality objectives that have been set. This is, in our view, part of the information that should be published to demonstrate compliance with the general duty. It is not however necessary to set out how progress will be measured. It is our view that this proposed change supports the government's objective of '*focusing on measurable results*'.

3. Matter specified by a Minister of the Crown

The policy paper proposes removing the requirement for public authorities to consider such matters as may be specified by a Minister of the Crown in a written statement to Parliament. We recognise that national equality issues can arise and have experienced the impact, and benefits, of centrally imposed requirements following the Stephen Lawrence Inquiry. However, we believe that the Police Service has reached a level of maturity that it recognises the operational and organisational benefits of equality and will continue to drive improvement in delivering equality. Greater transparency will promote improved accountability and enforcement is a matter for the regulatory authority.

In view of the uncertainty that has resulted from the late publication of the policy paper and proposed changes, we welcome the postponement of the requirement to publish information until 31.12.11.