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Dear Jisha

Review of the public sector equality duty

I write in response to your letter of 19th March to Judith Hackitt, in which you sought views on how the Public Sector Equality Duty (PSED) is working in practice. I have been asked to respond as my team leads on this topic for the Health and Safety Executive (HSE). Please find my comments below on the key themes under consideration by the review.

HSE has been successful in embedding equality and diversity considerations into its work through the use of a Diversity and Equality toolkit, which we have reviewed and simplified, along with supporting guidance. The Toolkit provides information about who diverse audiences are, their importance to HSE and potential barriers to communicating with these audiences.

The tool assists officials to consider the impact of their proposals on equality. It sets out the considerations to be made in six simple steps covering the purpose and aim of the proposal; who will benefit; what information and evidence has been used; who has been consulted; what is the likely impact identified for any group and what are the requirements for further information and evaluation. These tools have ensured that the PSED is understood by officials and embedded into their considerations.

In terms of the costs and benefits of the PSED, we complete screening assessments to establish whether proposals will have a negative impact on groups with protected characteristics. The overall costs and benefits of policy proposals are analysed as part of regulatory Impact Assessments, but these do not normally give specific quantification of equality impacts.

With regards to the management of legal risks and ensuring compliance with the PSED, HSE officials involve Treasury Solicitors in policy considerations and development as required. To our knowledge there has been no screening assessment that has flagged specific impacts that would need further exploration or legal advice.

You requested views on changes that would ensure better equality outcomes. In HSE, we, like other government departments, are aware that we do not need to have a document which we formally call an 'Equality Impact Assessment' (EIA) but we also recognise the continuing requirement to publish data to demonstrate that the necessary equality considerations have been made.

Pending the ongoing discussions across government on how to manage this requirement going forward, we have continued to produce and publish some EIAs as a means to demonstrate due regard for the aims of the PSED. However, we do not prepare a full EIA in every case; we use a 'screening' assessment to highlight when there are equality impacts that need to be explored further. It would be helpful to have one consistent approach to collecting and publishing data, taking account of the Prime Minister's remarks in November last year.

I understand the Chair of the Steering Group is interested in examining paperwork and policies related to the operation of the PSED, in particular the collection, retention and use of diversity data. HSE internal staff diversity data has been migrated from one system to another as they have changed. After migration there have been general communications to ask 'employees' to check their migrated diversity data. Through the years there have also been ad-hoc communications asking employees to input/update their diversity information. The current electronic HR system (introduced in 2006) has employee self-service and therefore employees are able to input/update their diversity information whenever they want or when there is a change.

Diversity data is detailed in HSE's annual report also on HSE's website as part of our commitment to the Equality Duty, HSE publishes diversity data that illustrates the diverse make-up of our workforce – see <http://www.hse.gov.uk/equality-duty/data/2011-12.htm> All information is anonymous.

HSE also publishes details of its Diversity Action Plan on its website <http://www.hse.gov.uk/equality-duty/diversity-action-plan/index.htm>

I hope this information is useful. Please feel free to contact me on the telephone number above if you require any further information or clarification.

Yours sincerely



Kate Haire
Head of Growth and Business Unit