



THE LAW SOCIETY
of SCOTLAND
www.lawscot.org.uk

EQUALITY ACT 2010: The public sector Equality Duty: reducing bureaucracy Policy review paper

The Law Society of Scotland's Response

April 2011

INTRODUCTION

The Equalities Law Sub-Committee ('the Committee') of the Law Society of Scotland welcomes the opportunity to comment on the Equality Office Policy Review Paper : The Public Sector Equality Duty: Reducing Bureaucracy. The Committee has the following comments to make:

The Committee note that the Review Papers states:

Details of the New Approach 14:

The key differences of the new draft regulations from those published on 12 January are discussed below. In brief, they are the removal of requirements on public bodies to publish details of the:

*engagement they have undertaken when determining their policies;
engagement they have undertaken when determining their equality objectives;
equality analysis they have undertaken in reaching their policy decisions; and
information they considered when undertaking such analysis.*

In relation to this, the Committee believe that the removal of the requirement to publish the above may result in uncertainty amongst user groups as to the transparency in any decision making process and dilute the opportunity to challenge decisions.

Section 3 (2)

(2) In complying with paragraph (1) a public authority's published information must include, in particular, information relating to persons who share a relevant protected characteristic who are—

(a) its employees,

(b) other persons affected by its policies and practices'

In relation to the above provision. It is the Committees understanding that the information held,

relating to employees, is that information which is provided by those employees. The providing of this information to the public authority employer is voluntary and the employee is placed under no legal requirement to provide this. Therefore any information which is published in accordance with Section 3 (2) (a) is at risk of being inaccurate and will reflect only the information which the employee has disclosed truthfully and voluntarily.

For further information and alternative formats please contact:

Tel: 0131 226 7411

Email: lawreform@lawscot.org.uk

The Law Society of Scotland
26 Drumsheugh Gardens
Edinburgh
EH3 7YR
www.lawscot.org.uk