

GOVERNMENT EQUALITIES OFFICE - EQUALITY ACT 2010

THE PUBLIC SECTOR EQUALITY DUTY: REDUCING BUREACRACY: POLICY REVIEW PAPER

Comments on the draft regulations which is currently out for consultation (deadline for comment 21 April 2011)

Birmingham City Council responded to the original consultation in respect of the proposal specific duties in November 2010. Many of the comments made at that time are relevant to the second round of consultation currently being undertaken.

Draft Regulations

1. Equality Objectives

The requirement that 'Public Authorities must prepare and publish objectives' should remain, alongside the requirement to set out how progress will be measured. This will provide greater transparency and generate public confidence of a genuine commitment to set, achieve and monitor specific objectives. Without this requirement for ongoing monitoring and assessment how will accountability be maintained?

2. Publication of Information

There is a lack of clarity regarding the need to undertake what has been defined in the EHRC guidance as 'Equality Analysis'. There is no specific reference to this within the regulations, if it is expected that challenge from the public will be the key means of holding public bodies to account for their performance on equality, and then the analysis is a key aspect of this. It is not clear how removing the requirement to publish the analysis undertaken would lead to greater transparency - how else would the public be aware of what had been analysed.

The requirement to publish the equality analysis should be reinstated – Public bodies should publish evidence of the analysis undertaken and the information and engagement it considered as part of the analysis to meet the aims set out in section 149(1) of the Act. This would provide clear evidence of the consultation/engagement undertaken, and the data used to conduct the analysis. It would also demonstrate that all new, current and proposed policies are being assessed. It would also strengthen the whole concept of transparency as well as enabling the public to exercise greater choice.

3. Publication

Information/actions from the equality analysis undertaken will form the basis of the equality objectives and the equality information to be published, in order to provide transparency for the public.

Original response to 2010 consultation: The proposal to publish information on public service provision is welcome as it is consistent with BCC's approach to openness and transparency. The fundamental shift to reporting on outcomes relevant to the communities we serve - the impact of public bodies' activities - is welcome. Publication of equalities-related data separately from publication of data on the performance of the public body in carrying out its various functions (as employer and service provider) may be unnecessarily burdensome. Equalities data may be more meaningful when published as part of performance data reporting relating to a particular function.