

Government Equalities Office (GEO) publishes policy paper on the public sector Equality Duty

On 17 March 2011 the [Government Equalities Office](#) (GEO) published a new policy paper – “*the [public sector Equality Duty: reducing bureaucracy](#)” . It shows a slight sea change, and a more light touch approach.*

The purpose of the policy review paper is to seek views on new draft [regulations](#) imposing specific duties to support better performance of the public sector Equality Duty.

The [Equality Act 2010](#) contains a new integrated Equality Duty on all [public bodies](#) which brings together the existing duties on race, gender and disability and extends to cover gender reassignment in full, age, religion or belief and sexual orientation. The general duty set out in the Act requires public bodies, and others who exercise public functions, to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance [equality of opportunity](#); and to foster good relations between people who share a protected characteristic and those who do not share it. The Act provides a power to make regulations imposing specific duties on public bodies to support better performance of the general duty.

The paper explains that the Government is committed to reducing burdens and bureaucracy on public bodies, moving away from a process-driven approach to a focus on transparency in order to free up public bodies to do what is appropriate in their circumstances, to take responsibility for their own performance, and to be held to account by the public. This means a shift in approach – a focus on performance, not process.

The Governments “*have looked again and think there is room to do more to strip out unnecessary process requirements and to make public bodies truly transparent and accountable to the public for their performance on equality*“ . The new single, general Equality Duty will come into force on 5 April 2011.

From 5 April 2011 until the new specific duties are in place, public bodies will still need to comply with the general Equality Duty. In doing so, they will be able to refer to the [Equality and Human Rights Commission](#)’s guidance and draft statutory Code of Practice. The Government intends to bring the specific duties into force in July 2011.

The revised draft regulations

The revised draft regulations will require public bodies to:

1. publish equality objectives every four years;
2. publish information annually to demonstrate their compliance with the general Equality Duty;

3. in particular publish information relating to their employees (for bodies with 150 or more staff) and others affected by their **policies** and practices (such as service users).

All information must be published in a way that is accessible to the public.

In brief the key differences of the new draft regulations from those published on 12 January 2011 are the removal of requirements on public bodies to publish details of the:

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

The new draft regulations:

- Change the wording from: ” **Publish** sufficient information to demonstrate its compliance...” to “**Publish** information to demonstrate its compliance...”;
- Remove the requirement to publish evidence of the analysis a public body undertook to establish whether its policies and practices had furthered the aims set out in section 149(1) of the Act, and remove the requirement to publish details of the information it considered when it undertook the analysis;
- Remove the requirement to publish details of the engagement the **public authority** undertook with persons whom it considered to have an interest in furthering the aims set out in section 149(1) of the Act, and details of the engagement it undertook when developing its equality objectives.

The policy paper, and the new draft regulations (on page 8) can be viewed at: <http://www.equalities.gov.uk/pdf/110317%20Public%20sector%20Equality%20Duty%20-%20Policy%20review%20paper.pdf>

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