

# Public Sector Equality Duty Review: call for evidence

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Date: 18 March 2013

## Summary

The review of the Public Sector Equality Duty (PSED) has moved on a stage, with the steering group issuing a general invitation to submit evidence, with a **deadline of Friday 12 April**.

Information about the review and the call for evidence can now be found on the main government website. It is more helpful to use [this link](#), rather than the new site's own search procedures.

The local government perspective will have the greatest impact if individual local authorities make an authoritative response to the call for evidence. In terms of reputation and its relevance to a broad range of local authority services and functions the review deserves corporate attention.

The briefing is of interest to all tiers of councils; to elected members and officers with responsibility for equalities and community engagement; to corporate policy officers; to service managers and commissioners of services, including in adult social care and children's services, and to trade unions locally and nationally.

## Briefing in full

### Call for evidence

The call for evidence reads:

The review is particularly focusing on the following key themes:

1. how well understood is the PSED and guidance
2. what are the costs and benefits of the PSED
3. how organisations are managing legal risk and ensuring compliance with the PSED

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4. what changes, if any, would ensure better equality outcomes (legislative, administrative and/or enforcement changes, for example).

The Chair of the steering group is particularly interested in looking at equalities paperwork and policies related to PSED (particularly in relation to public sector procurement processes) and the collection, retention and use of diversity data by public bodies, for example, in relation to goods, facilities and services.

If you have evidence about how the PSED works that relate to any or all of the above points, please submit this to the [PSED review team](#) by Friday 12 April. We will only be able to consider information relating to the Duty's operation, and will not be able to consider submissions which are not evidence-based. We will not be able to consider evidence submitted after this date.

We would also welcome examples of documentation you are aware of relating to the PSED, for example equality impact assessments, procurement forms, diversity data forms, guidance and toolkits.

### Participation by public bodies

The local government perspective will have the greatest impact if individual local authorities make an authoritative response to the call for evidence.

At its third meeting the steering group agreed further round tables with inspectorates, private sector and voluntary sector contractors, 'senior decision makers', and 'political / governance'. There is no indication of who is being invited to these meetings, and from what sector, other than an agreement for members of the steering group to contribute suggestions for names of individuals and organisations to involve.

The Department of Health is cooperating with the review team in a series of April seminars in which local authorities are invited to participate. Information is posted on the [Knowledge Hub](#) website, where it is also possible to contribute to evidence for the review through the Equality Community of Practice. This material will be collated by the LGA and submitted to the review, but will not in itself be a sufficient response.

A high-level response is needed, in terms of:

- reputation: [government research](#) shows that businesses place a value on equalities in terms of reputation as an employer and in being viewed favourably by communities, customers and suppliers – these considerations must apply to local authorities with their responsibilities to individuals and the community.
- relevance to a broad range of local authority services and functions: in improving efficiency and effectiveness and decision-making

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- application of equalities standards when services are externalised: these are contexts in which councils are held to public account often in challenging circumstances.

## Responding to the call for evidence

It will be necessary to:

- address the four themes posed by the steering group
- to refer to evidence whenever possible
- to give some thought to the concerns that are outlined in the summary of the third meeting, namely
  - whether the PSED leads to proactive promotion of equality and good consultation / engagement
  - whether it leads (or may lead) to a joined-up approach across policy areas
  - whether the PSED may be interpreted in a bureaucratic, risk-averse, process-heavy way.

While these concerns are presented negatively in the summary, at this early stage of the review it is likely to be more helpful to consider them as open questions.

## Points that may be considered in responding to the call for evidence

On the key themes, it will be understandable if local authorities find it difficult to provide an extensive response, and consider that it is premature to assess the implementation of the new duty and guidance. The duty came into force as recently as 1 October 2010, and technical guidance on implementation was published as recently as January 2013 (see link to briefing on further developments).

The best approach is likely to be to provide a broad account which does not impose too great a burden in preparing the response, and which illustrates what is underway and being achieved, drawing on as wide a trawl as is possible in the time available.

1. **How well understood is the PSED and guidance?** It is unlikely at this stage that the duty and guidance will be fully understood at all levels of the authority, and affiliates need not be shy of saying so. Some may have gone some way towards promoting knowledge and understanding from top levels of management through to those responsible for service delivery – others may have plans in place. It will be useful to give an account of these plans and any results so far. It would also be relevant to indicate what might make this process easier, in terms of provision of materials by the EHRC or through the Knowledge Hub.

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2. **What are the costs and benefits of the PSED?** Again, it will be important to base responses on evidence that is currently available, to illustrate the response with issues that have been addressed by the council, and what can be said about progress being made towards particular objectives.
3. **How [are] organisations managing legal risk and ensuring compliance with the PSED?** Without being too burdensome it should be possible to provide a practical response, supported by illustrations: perhaps to outline any procedures that have been adopted and illustrate with some examples of how well these are being applied; refer to practice such as compliance on publication of data; and to take up the Steering Group's interest in procurement and provide some evidence about how the PSED is being applied, for example using pre-qualification questionnaires.
4. **What changes, if any, would ensure better equality outcomes?** Affiliates may not be in a position to judge whether any changes are needed in the law, administrative or enforcement measures at this stage. They could consider whether statutory guidance would help implementation, and suggest a reasonable period – of up to five years – when a further review might obtain useful evidence.

Comments in the first LGiU briefing on considerations of good practice and reputation, the way in which addressing the needs of different groups assists efficiency and effectiveness and provides protection when services are externalised, may be useful.

When reviewing experience and preparing a response, it will be important to consider and be explicit about whether any sense of complexity associated with the PSED is more in perception than reality.

## Comment

The review is being undertaken as part of the Red Tape Challenge, and risks prioritising short term expediency over the benefits that may accumulate as understanding and experience of the Equality Duties mature.

As key guardians of equality in access to and provision of services, it will be important that local government makes an informed and dynamic response to the review, and that its perspective is communicated effectively to the steering group.

## Related Briefings

[Public Sector Equality Duty under review](#)

[Public Sector Equality Duty Review - recent developments](#)

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For more information about this, or any other LGiU member briefing, please contact Janet Sillett, Briefings Manager, on [janet.sillett@lgiu.org.uk](mailto:janet.sillett@lgiu.org.uk)