

## Template response to Red Tape Challenge website Race on the Agenda (ROTA)

June 2011

### About the Red Tape Challenge website

The Red Tape Challenge website focuses on the following eight sections of the Equality Act 2010:

- Who is protected
- Prohibited conduct
- At work
- Buying goods and using services
- Specific sectors – in housing, at school or college, on transport
- Positive action
- Enforcing equality law
- In the public sector

Under each section the same six questions are asked:

- Should we scrap them altogether?
- Could their purpose be achieved in a non-regulatory way (eg through a voluntary code?) How?
- Could they be reformed, simplified or merged? How?
- Can we reduce their bureaucracy through better implementation? How?
- Can we make their enforcement less burdensome? How?
- Should they be left as they are?

### ROTA responses

#### Should we scrap them altogether?

No. No aspect of the Act should be scrapped. We all fall within one or more of the protected characteristics and therefore, could experience inequality and discrimination. The Act offers us a means by which we can be treated fairly and equally.

#### Could their purpose be achieved in a non-regulatory way (eg through a voluntary code?) How?

No. In order for groups to be able to challenge inequality and discrimination there needs to be basic principles they can draw upon which are enshrined in law. Before the Equality Act 2010 (and previous equality legislation) we were reliant on the voluntary actions of public authorities and organisations. The real experiences of inequality and discrimination during this voluntary period clearly demonstrate why a voluntary code does not work. A voluntary code does not give basic rights as understood by all parties but is reliant on the good will of those deeming to offer it. This is totally unacceptable.

### **Could they be reformed, simplified or merged? How?**

No. The Equality Act 2010 is already a very recent simplification of past equalities legislation, such as the Race Relations (Amendment) Act 2000 (RR(A)A) and Disability Discrimination Act 2005 (DDA). The Act has been developed in extensive consultation with key partners from business and a wide range of communities. The provisions have been developed for all members of civil society, and provide rights and protections from discrimination. The Equality Act 2010 should not be reformed, simplified or merged. If we want a fair and equal society, then we need to enshrine that right in law.

### **Can we reduce their bureaucracy through better implementation? How?**

No. The term bureaucracy is not helpful and implies that for a public authority to know its community is a dogmatic paper process, when in fact it can inform the policy and practice more effectively and can play a part in eliminating inequality and discrimination. If public authorities are to be held to account by the community they service, then there need to be clear, demonstrable measures that local communities can access.

### **Can we make their enforcement less burdensome? How?**

It is no doubt a 'burden' on local communities and to civil society when communities face disadvantage and discrimination; this can lead to health and social inequalities, education and criminal justice inequalities and so on. For communities to be active and participative, then public authorities must be transparent and accountable for their actions. Far from being seen as burdensome, the enforcement of the Act is crucial in establishing a fully engaged civic society. Equal rights are not a burden, for example, do we consider it a burden when we say every child should have access to education?

### **Should they be left as they are?**

Yes. Given the Act has been developed by extensive working across government departments, with cross-party support and with significant input from a diverse range of communities and businesses, any dilution of the Act will be seen as a regression. For equality and fairness to be reflected in our society the Act is essential. In fact the Act should be strengthened and enforced fully. **Government must not and should not consider the rights of society as a 'burden'.**

**We urge everyone to go to the site <http://www.redtapechallenge.cabinetoffice.gov.uk/equalities/> and comment on why you think the Act should be kept or strengthened.**

**rota**

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