

## **ROTA on behalf of Winning the Race Coalition**

### **Response to ‘Equality Act 2010: The Public Sector Equality Duty: reducing bureaucracy - policy review paper’**

**April 2011**

#### **About ROTA**

ROTA is a social policy and research organisation that focuses on issues impacting on Black, Asian and minority ethnic (BAME) communities. Our policy priorities are health, education and criminal justice. We are a membership organisation with over 20 years of experience. We host four networks – MiNet, the Transformative Justice Forum, the Female Voice in Violence Coalition and the Winning the Race Coalition, with a combined membership of over 3,500 organisations and individuals.

#### **About the Winning the Race Coalition**

Race on the Agenda (ROTA) formed the Winning the Race Coalition (WtRC), a national coalition of civil sector organisations, to highlight some areas of concern in relation to the Equality Act and to develop a unified and stronger voice to our concerns. Our focus is primarily on race equality and the discrimination faced by Black, Asian and minority ethnic (BAME) groups. However, our coalition also argues for cross-equality and human rights issues where appropriate.

ROTA and the members of the coalition have worked before, and since, the enactment of the Equality Act 2010<sup>1</sup> with key stakeholders<sup>2</sup> to:

- support a progressive, rather than regressive approach, to the development of the Act and the regulatory framework
- support the Act’s implementation through providing targeted information and training
- ensure that the implications, for BAME communities and individuals, are understood and addressed.

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<sup>1</sup> The Equality Act 2010 was enacted in April 2010, the majority of the Act’s provisions came into force in October 2010 although some provisions including the Public Sector Equality Duty did not come into force until April 2011. However, the Government has decided not to implement some important provisions.

<sup>2</sup> This refers to stakeholders particularly, although not exclusively, involved in working with and supporting BAME communities and individuals.

ROTA has been representing the Winning the Race Coalition at meetings with Government Equality Office Ministers, the EHRC, and has given evidence to the House of Commons Committee scrutinizing the Bill that became the Equality Act. ROTA keeps the WTRC coalition members updated with all developments. A full list of Winning the Race Coalition members can be found on our website <http://www.rota.org.uk/pages/WTRC.aspx>. The Action Group members are:

1990 Trust	Equanomics UK
Equality & Diversity Forum	Voice4Change
Federation of Irish Societies	Black Network for the South West
Runnymede Trust	BECON
Menter	

ROTA would like to thank the WtRC Action Group, with particular thanks to Equanomics UK, in supporting the development of the submission.

## 1. Introduction

The Winning the Race Coalition is deeply concerned about the decision, announced on 17<sup>th</sup> March 2011, to reopen the consultation on the specific equality duties and commence a new policy review of specific equality duties<sup>3</sup>.

The GEO conducted a three month consultation on the provisional draft regulations<sup>4</sup> on behalf of this Government between August and November 2010. In January 2011, the GEO published its analysis of over 370 consultation responses and the Government's formal response to that consultation<sup>5</sup>. The GEO's consultation response document, published in January 2011, states that: a) the Government *'has taken account of the responses received'*; b) the consultation responses *'have been individually considered by the GEO and have been taken into account in the final draft regulations that form the outcome of this consultation'*; c) the Government has made changes *'to better deliver the policy intent set out in the consultation document'*; and d) the Government has strengthened and published amended draft regulations<sup>6</sup>.

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<sup>3</sup> Equality Act 2010: The public sector Equality Duty: reducing bureaucracy - Policy review paper [GEO: March 2011]

<sup>4</sup> Equality Act 2010: The public sector Equality Duty: Promoting equality through transparency - A consultation. [GEO: August 2010]

<sup>5</sup> Equality Act 2010: The public sector Equality Duty, Promoting equality through transparency - Summary of responses to the consultation [GEO: January 2011]

<sup>6</sup> *'The Government has taken account of the responses received and has made adjustments to the draft regulations in order to better deliver the policy intent as set out in the consultation document; to guard against unintended consequences; and to clarify meaning. Several changes have been made to the regulations as a result, and these are described in this document. The main changes cover four key areas. The regulations have been strengthened to ensure that: a) public authorities publish sufficient information to show that they have complied with the general duty; b) public authorities report on their engagement with interested parties, with a particular steer that they should engage in relation to setting their equality objectives; and c) publication of information includes evidence of the analysis that the organisation carried out to assess the effect of its policies and practices on equality – a stronger steer away from formulaic and process-driven impact assessments, towards genuine consideration of the*

The members of the Winning the Race Coalition agree that the GEO conducted a balanced and proper consultative process between August 2010 and November 2010. As with any consultative process, we did not secure everything that we had hoped to, or asked for, but we believe that the GEO and the Government genuinely listened and amended the Coalition Government's draft regulations to address the serious concerns raised by Winning the Race Coalition and many other organisations. The process reflected the best of a true commitment to listening, engaging, responding and addressing concerns. The GEO's Policy Document issued in January 2011, reflected a consensus that met the needs of government, statutory agencies and business as well as voluntary and advocacy groups representing those who share protected characteristics and face discrimination. This represented a positive approach by the GEO and Government to working together with stakeholders in a transparent way to develop the regulatory framework.

The decision to launch a new limited 5 week consultation<sup>7</sup> is inconsistent with open, transparent and accountable decision-making because it simply ignores:

- the 3 month consultative process undertaken between August and November 2010
- the outcome of a consultative process that received over 370 responses from a variety of stakeholders, and the analysis of the consultation response
- the fact that the GEO published its analysis and response in January 2011 together with revised and final regulations which the GEO stated would be laid before Parliament.

If the Government is committed to transparency, accountability and avoiding a government imposed top-down approach, we believe that: a) there can be no justification for putting aside the consultation conducted between August 2010 and November 2010; b) there was, and is, no objective justification for reopening the consultation on the specific duties, especially at this late stage; c) the decision to reopen this consultation runs counter to the principles set out in the Government's Code of Practice on Consultation<sup>8</sup> and would represent an inconsistent decision.

Members of the Winning the Race Coalition believe that there is every justification for requesting that the draft regulations, published in January 2011, should be laid before Parliament without further delay<sup>9</sup>. We also consider that the publication of the EHRC's statutory code of practice on the duty to promote is essential and that this code must include clear

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*issues. Adjustments have also been made to the transitional arrangements to give public authorities a reasonable period from the commencement of the specific duties to prepare and start publishing relevant data.* Source: Equality Act 2010: The public sector Equality Duty: Promoting equality through transparency - Summary of responses to the consultation [GEO: January 2011]

<sup>7</sup> The consultation, launched in March 2011, is due to run from 17th March 2011 to 21st April 2011.

<sup>8</sup> Code of Practice on Consultation [HM Government: July 2008], from <http://www.bis.gov.uk/files/file47158.pdf>

<sup>9</sup> Note: The consultation ran from 19<sup>th</sup> August 2010 to 10<sup>th</sup> November 2010 and complied with the Code of Practice on consultation.

guidance on the steps necessary to meet the general equality duty<sup>10</sup>.

## 2. Comparing this Government's two consultative exercises on the specific equality duties and the impact of this new consultation

Section 153 allows a Minister of the Crown to introduce regulations that *'impose duties on a public authority ... for the purpose of enabling the better performance by the authority of the duty imposed by section 149 (1).'* Both the consultative exercises launched in August 2010<sup>11</sup> and in March 2011 referred to 4 objectives (see box 1) and asserted the Coalition Government's commitments to enabling public authorities to operate with more autonomy and without unnecessary restrictions. The GEO's response to the 3 month consultative exercise published in January 2011 clearly recognised that additional action needed to be taken to address concerns raised during the consultative process (see Table 1). Table 2 sets out the draft regulations proposed by the GEO: a) in August 2010 at the beginning of this Government's 3 month consultative exercise; b) in January 2011 after the GEO analysed the responses to the consultative exercise; and c) in March 2011 when the GEO decided to launch a new consultation. The red text in Table 2 demonstrates that the latest draft regulations, published in March 2011, are more regressive than the proposals launched in August 2010.

The Winning the Race Coalition welcomes the approach of focusing on outcomes but we do not accept that the latest proposals are fit for purpose for the reasons set out above and throughout this submission. We also note that the GEO's own research recognised that the previous race, disability and gender specific equality duties did advance equality and should largely be retained and built upon<sup>12</sup>. We believe, as clearly did the GEO, that the draft regulations published in January 2011 provided an appropriate regulatory framework on which to proceed. Research demonstrates that although progress has been made, an effective regulatory framework is necessary if public bodies are to be held to account. Evidence also suggests that a key reason for

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<sup>10</sup> We believe that fact that such a statutory code of practice must be considered by the courts is important but it is even more important that public bodies and others have practical guidance that may avoid the need for legal action.

<sup>11</sup> 1.1. The Government believes that we need a radical shift in power away from Westminster and Whitehall and back to local communities. We need to have faith in those engaged in front-line service delivery to work with local people to identify local priorities and to design services in a way that delivers the best outcomes for the public. This means liberating public bodies from time-wasting bureaucracy. It means stripping out unnecessary prescription, processes and top down targets to free up resources for front-line services. We will put public sector professionals, working together with citizens, in the driving seat. 1.2. But greater freedom for public bodies must be accompanied with greater accountability – not to Whitehall but to the citizens they serve. We do not intend to prescribe how public bodies go about their business, but we will ensure that we put in place the right framework which empowers citizens to scrutinise the data and evidence on how their public services perform. We will do this by bringing data into the daylight – letting people see for themselves the information public bodies are using to make decisions and the data on their performance. Citizens will then be able to judge, challenge, applaud and hold to account the public bodies they ultimately pay for. [Exec. Summary: Equality Act 2010: The public sector Equality Duty: Promoting equality through transparency - A consultation. GEO, August 2010]

<sup>12</sup> Equality Duties: Assessing the Cost & Cost Effectiveness of the Specific Race, Disability & Gender Equality Duties [GEO, Schneider-Ross: June 2009]

the limited progress made by local authorities, subject to a general race equality duty from 1976 –2000, was the absence of an effective regulatory and administrative framework.<sup>13</sup> This latest consultative exercise presents draft regulations that:

- are more regressive compared to the regulations that were in force up to 5<sup>th</sup> April 2011
- are more regressive than the draft regulations published by the GEO in August 2010
- are more regressive than the revised regulations published by the GEO in January 2011
- remove all of the improvements that the GEO stated that it had made to address the concerns of respondees during the 3 month consultation that ran between August and November 2010.

Box 1: The Coalition Government’s 4 key objectives<sup>14</sup>

- a) *Improving transparency*: through requiring public bodies to publish data on their impact on equality and transparent information on their staff and pay.
- b) *Devolving power*: liberating public bodies from top-down targets and allowing them to identify and work towards achieving their own priorities.
- c) *Focusing on measurable results*: to reduce the time public bodies spend fulfilling repetitive or unproductive processes and instead focus on what works.
- d) *Enabling the public to exercise greater choice*: more freely available data will enable people to compare the performance of public bodies and hold them to account.

The Winning the Race Coalition’s members note with extreme concern that the effect of reopening the consultation on the specific equality duties, at this late stage, is that:

- no specific equality duties will be in place until December 2011 at the earliest
- key guidance issued by the EHRC, and other national public bodies, is problematic because it is based on the draft regulations published in January 2011
- public bodies will be unsure whether to retain or ditch existing administrative arrangements as the costs of getting rid of systems and then reinstating them, if so required by the outcome of this consultative exercise, would be problematic
- the ability of voluntary and community organisations to hold public sector bodies to account, at a time when crucial decisions are being made about public finances, may be undermined if organisations only ability to challenge is by taking legal action
- it is unclear how the courts will deal with any new cases and how previous case law will apply
- the combined effect of these delays and uncertainties may be to waste effort and money.

We also note with equal concern that:

- the latest draft regulations have been stripped of all of the changes added by the GEO in January 2011, as a result of the consultative exercise undertaken between August 2010 and November 2010

<sup>13</sup> Chapter 5, Race Relations (Amendment) Act 2000: New laws for a multi-racial Britain: Proposals for Implementation [Home Office: February 2001]

<sup>14</sup> Equality Act 2010: The public sector Equality Duty: reducing bureaucracy – Policy review paper [GEO: March 2011]

- the regulations as currently drafted will not enable the better performance of the general equality duty (PSED) by public sector authorities
- stakeholders will be forced to rely on other legal measures - seeking information through use of the Freedom of Information Act and perhaps seeking judicial review relying on the PSED itself
- the failure to provide specific equality duties that are fit for purpose and take due account of the concerns of a wide range of stakeholders:
  - is likely to cost both public bodies and other stakeholders
  - introduces unnecessary uncertainty
  - is inconsistent with this Government's own key objectives (see Box 1)
  - could be resolved by reverting to the draft regulations published in January 2011.

### **3. Engagement, equality objectives and equality analysis– removing requirements from the latest draft regulations**

Engagement is key to informing decision-making and providing evidence that an authority has shown 'due regard' as required by section 149 (1). Engagement was recognised as being pivotal by the Commission for Racial Equality (CRE), Disability Rights Commission (DRC), Equal Opportunities Commission (EOC) and its importance has also been recognised by the GEO, EHRC and advocacy groups. The GEO has stated that it expects public authorities to engage to meet the Public Sector Equality Duty. Paragraph 14 of the GEO's latest consultative document states that the new draft regulations remove the requirement<sup>15</sup> for public bodies to publish details on: a) *'the engagement they have undertaken when determining their policies'*; b) *'the engagement they have undertaken when determining their equality objectives'*; c) *'the equality analysis they have undertaken in reaching their policy decisions; and d) 'the information they considered when undertaking such an analysis.'* The rationale provided is that the Government:

- *'wishes to shift the focus of public bodies onto the delivery of equality improvements for their staff and service users, rather than have them focusing their efforts on bureaucratic processes'*
- *'is confident that these changes will have a positive effect on the delivery of equality improvements for all the protected characteristics covered by the Equality Act 2010'*
- *'has considered each of the changes carefully' and is 'satisfied that none of them will have a negative effect on equality for any of the protected characteristics'.*

We believe that compliance with the PSED itself and demonstrating due regard will require engagement and equality analysis, we reject the rationale presented by the GEO and view this as a lost opportunity to address these issues in the regulations. We are also concerned that, after a 3 month consultation and an initial decision to strengthen the provisions on engagement, equality analysis and equality objectives, the GEO and the Government have decided to reject the consultative exercise that the GEO conducted and initially accepted. Our view is that many of the individual submissions, and the analysis published by the GEO in January 2011, present evidence that contradicts the latest statements made by the GEO. We also believe that a dangerous precedent will be set which indicates that even where the

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<sup>15</sup> These requirements were included in the draft regulations published by the GEO in January 2011.

respondents clearly articulate their views, if the Government does not like the views, these will simply be ignored.

The draft regulations (see Table 2), published in January 2011, required public authorities to publish information on their engagement<sup>16</sup> when determining their policies and when setting their equality objectives. The draft regulations were not prescriptive, as they did not outline how public authorities should engage. In the latest policy review paper it states that *'challenge from the public will be the key means of holding public bodies to account for their performance on equality'*<sup>17</sup>. This begs the question: what tools will be provided to enable the public to challenge public authorities? The failure to address this issue properly in the regulations suggests that the Government only expects the public to challenge authorities in court. This will not foster good relations, contradicting the PSED, and may lead to conflict between communities and authorities. Requiring proper engagement, and for relevant information on engagement to be published, would allow issues and challenges to occur prior to any decisions and without any requirement to enter legal proceeding, saving money and reducing the potential for conflict.

The draft regulations, published in January 2011, required public authorities to *'publish details of the engagement that the public authority undertook'*. Paragraph 19, of the latest consultative document, states that *'under the requirements of the general duty to have due regard to the matters set out in the act, public bodies will need to understand the effect of their policies and practices on equality – this will involve looking at evidence, engaging with people, staff, service users and others and considering the effect of what they do on the whole community.'*

Removing the requirements on engagement from the draft regulations cannot remove the requirement to engage because this is required by the primary legislation. However, this decision to remove the requirements from the specific equality duties merely leaves it for the courts to determine what level or what type of engagement was or was not appropriate or sufficient. The suggestion that these issues will only be dealt with in statutory or non-statutory guidance is, we believe, a mistake. As we have already stated we believe the formulation arrived at in January 2011 achieved an appropriate balance. The draft regulations published in January 2011 included requirements on Equality Analysis. Equality analysis involves ensuring: a) the timely consideration of the PSED obligations in the development and/or review of policies; and b) relevant equality analyses are made available to the public.

Under the latest proposals authorities must publish information related to equality. Yet the regulations will not require the publication of any analysis of how planned policies, or this information, meet equality objectives or the needs of communities. We would argue that evidencing that due regard has been given to the public sector equality duty will require the publication of such information. Following the cases of Wards Corner and Southall Black Sisters<sup>18</sup> it is clear that public authorities must consider equalities in a timely fashion. Again the

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<sup>16</sup> With people that the authority *'considered to have an interest in furthering the aims set out in section 149(1)'*. Draft regulations 3 and 4, January 2011

<sup>17</sup> Equality Act 2010: The Public Sector Equality Duty: reducing bureaucracy policy paper Para 17, page 4

<sup>18</sup> Ibid

decision not to specify what may be required in the regulations may well leave this issue for the courts to determine.

#### 4. Freedom of Information and other legal action

Given that the production of a range of information is clearly required, pursuant to fulfilling the general PSED, failing to specify in regulations that information about engagement and equality analyses should be published and should inform decision-making is counter-productive. Firstly, voluntary and community organisations and others may be forced to use the provisions provided by the Freedom of Information Act to force the publication of relevant information. Secondly, organisations may be forced to bring legal proceedings to challenge non-compliance with the general PSED, where a public authority has failed to publish sufficient evidence of steps it has taken to comply with the general PSED.

#### 5. Conclusion

ROTA, on behalf of the Winning the Race Coalition, asks that the GEO and the Government:

- use the draft regulations<sup>19</sup> published in January 2011;
- lay the draft regulations published in January 2011 in front of parliament as quickly as possible to effectively support the implementation of the PSED.

<b>Table 1: What decisions were made by the GEO in light of the results of the consultation?</b>
<b>Source: Equality Act 2010: The public sector Equality Duty, Promoting equality through transparency, Summary of responses to the consultation [GEO: January 2011]</b>
‘To summarise, the Government has taken account of the responses received and has made adjustments to the draft regulations to better deliver the policy intent as set out in the consultation; to guard against unintended consequences; and to clarify meaning. The main changes are <sup>20</sup> :

<sup>19</sup> See middle column Table 2.

<sup>20</sup> The latest draft regulations published on 17<sup>th</sup> March 2011 remove all of the changes confirmed by the GEO in January 2011



- *'We have given a steer to public authorities that they may wish to release data more often than once a year.*
- *We have given public authorities a reasonable period from the commencement of the duty to start publishing equality information. We have given a different date for educational bodies to start publishing equality information, to take account of the academic year.*
- *We will require public authorities to publish sufficient information to show that they have complied with the general duty.*
- *We will require the information to cover the effect of the public authority's policies and practices on the aims of the general duty, and not just that it complied with the duty.*
- *We have aligned the workforce and services data requirements.*
- *We have made clearer that the data publication should include evidence of the analysis that the organisation carried out to understand the effect of its policies and practices - a stronger steer away from formulaic, process-driven impact assessments, towards genuine consideration of the issues.'*
- *We have removed the reference to "one or more" objectives, to avoid an inference that a single objective is likely to be sufficient.*
- *We will require public authorities to report on their engagement with interested parties, with a particular steer that they should engage in relation to their equality objectives.'*

**Table 2: Comparing the specific equality duties draft regulations published by the GEO under this Government**

Red text identifies wording, initially proposed by the GEO, that has been deleted from the latest draft regulations published in March 2011

Draft regulations published in August 2010	Draft regulations published in January 2011	Draft regulations published in March 2011
Commencement	Commencement	Commencement
1.—(1) These Regulations .... <b>shall come into force on 4 April 2011.</b>	1 (2) (2) <b>These Regulations shall come into force on 6 April 2011 immediately after the Equality Act 2010 ... Order 2011 comes into force.</b>	1 (2) These Regulations come into force on {***} 2011
Equality objectives	Equality objectives	Equality objectives
<p>3.—(1) Not later than 2 April 2012 a public authority must prepare and publish one or more objectives which it reasonably thinks that it should achieve in order to further one or more of the aims set out in paragraphs (a) to (c) of the section 149(1) duty.</p> <p>(2) The public authority must—  <b>(i) ensure that the objectives that it sets in compliance with paragraph (1) are specific and measurable; and</b>  <b>(ii) set out how progress towards the objectives should be measured .</b>  <b>(3) Before taking the action required by paragraph (1) the public authority must consider the information that it published in compliance with Regulation 2 (1).</b></p> <p>(4) The public authority must repeat the requirements of paragraph (1) subsequently not later than the end of each successive period of four years beginning with 2 April 2012.</p>	<p>3.—(1) Each public authority listed in the Schedules to these Regulations must prepare and publish— (a) <b>objectives</b> which it thinks it should achieve in order to further one or more of the aims set out in section 149(1) of the Act; and <b>(b) details of the engagement it undertook when developing its objectives with persons whom it considered to have an interest in furthering the aims set out in section 149(1) of the Act.</b></p> <p><b>(2) A public authority must—(a) ensure that the objectives it sets in compliance with paragraph (1) are specific and measurable; and (b) set out how progress towards these objectives should be measured.</b></p> <p><b>(3) When developing its objectives, a public authority must consider the information it published in compliance with Regulation 2.</b></p> <p>(4) The action required by paragraphs (1) to (3) must be taken before 6th April 2012 and subsequently at least at intervals of not greater than four years beginning with the date of last publication.</p>	<p>2—(1) Each public authority must prepare and publish one or more objectives it thinks it should achieve to do any of the things mentioned in paragraphs (a) to (c) of subsection (1) of section 149 of the Act—</p> <p>(a) not later than 6th April 2012; and</p> <p>(b) subsequently at intervals of not greater than four years beginning with the date of last publication.</p> <p>(2) An objective published by a public authority in compliance with paragraph (1) must be specific and measurable.</p>

**Table 2: Comparing the specific equality duties draft regulations published by the GEO under this Government**

Red text identifies wording, initially proposed by the GEO, that has been deleted from the latest draft regulations published in March 2011

Draft regulations published in August 2010	Draft regulations published in January 2011	Draft regulations published in March 2011
2. Publication of information	Publication	Publication of information
2.—(1) A public authority must publish information relating to its performance of the section 149(1) duty—	2.—(1) Each public authority listed in the Schedules to these Regulations must publish sufficient information to demonstrate its compliance with section 149(1) of the Act across the functions for which it is subject to the duty imposed by that section.	3. (1) Each public authority must publish information to demonstrate its compliance with the duty imposed by section 149(1) of the Act—
	(2) A public authority listed in Schedule 1 to these Regulations must publish the information—	
(a) not later than 4 April 2011; and	(a) not later than 31st July 2011; and	(a) not later than 31st December 2011; and
(b) subsequently at intervals of not more than one year beginning with the date of publication of the last set of information.	(b) subsequently at least at intervals of not greater than one year beginning with the date of last publication.	(b) subsequently at intervals of not greater than one year beginning with the date of last publication.
	(3) A public authority listed in Schedule 2 to these Regulations must publish the information— (a) not later than 31st December 2011; and (b) subsequently at least at intervals of not greater than one year beginning with the date of last publication.	

**Table 2: Comparing the specific equality duties draft regulations published by the GEO under this Government**

Red text identifies wording, initially proposed by the GEO, that has been deleted from the latest draft regulations published in March 2011

Draft regulations published in August 2010	Draft regulations published in January 2011	Draft regulations published in March 2011
<p>(2) The information shall include, in particular—</p> <p>(a) information relating to the protected characteristics of its employees, if the public authority has 150 employees or more;</p> <p><del>(b) assessments of the impact of its policies and practices, and the likely impact of its proposed policies and practices, on the furtherance of the aims set out in paragraphs (a) to (c) of the section 149(1) duty;</del></p> <p><del>(c) information that it took into account when it assessed the impact of its policies and practices, and the likely impact of its proposed policies and practices, on the furtherance of the aims set out in paragraphs (a) to (c) of the section 149(1) duty; and</del></p> <p><del>(d) - details of any engagement that it undertook with persons whom it considered to have an interest in furthering the aims set out in paragraphs (a) to (c) of the section 149 duty.</del></p> <p><del>(3) Before publishing the information required by paragraph (1) the public authority shall consider such matters as may be specified by a Minister of the Crown from time to time.</del></p>	<p>(4) A public authority’s published information must include, in particular—</p> <p><del>(a) information on the effect its policies and practices have had on persons who share a relevant protected characteristic who are—(i) its employees, or (ii) other persons affected by its policies and practices; for the purpose of demonstrating the extent to which it has furthered the aims set out in section 149(1) of the Act for those persons.</del></p> <p><del>(b) evidence of analysis it undertook to establish whether its policies and practices would further, or had furthered, the aims set out in section 149(1) of the Act;</del></p> <p><del>(c) details of the information it considered when it undertook the analysis referred to in sub-paragraph (b); and</del></p> <p><del>(d) details of engagement it undertook with persons whom it considered to have an interest in furthering the aims set out in section 149(1) of the Act.</del></p> <p>(5) Paragraph (4)(a)(i) does not apply to a public authority that has fewer than 150 employees.</p> <p><del>(6) In complying with paragraphs (1) to (4), a public authority shall consider such matters as may be specified by a Minister of the Crown in a written statement to Parliament.</del></p>	<p>(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—</p> <p>(a) its employees,</p> <p>(b) other persons affected by its policies and practices.</p> <p>(3) Paragraph (2)(a) does not apply to a public authority with fewer than 150 employees.</p>

**Table 2: Comparing the specific equality duties draft regulations published by the GEO under this Government**

Red text identifies wording, initially proposed by the GEO, that has been deleted from the latest draft regulations published in March 2011

Draft regulations published in August 2010	Draft regulations published in January 2011	Draft regulations published in March 2011
Publication	Publication	Publication
<p>4.—(1) The public authority must comply with any duty to publish under Regulations 2 and 3 by publishing the information in a manner that is reasonably accessible to the public.</p> <p>(2) The public authority may comply with any duty to publish under Regulations 2 and 3 by setting out the information within another published document.</p>	<p>4.—(1) The information referred to in Regulations 2 and 3 must be published in a manner that is accessible to the public.</p> <p>(2) A public authority may comply with its duties to publish under Regulations 2 or 3 by publishing the information within another published document.</p>	<p>4. —(1) Each public authority must publish the information referred to in regulations 2 and 3 in such a manner that the information is accessible to the public.</p> <p>(2)A public authority may comply with a duty to publish imposed by regulations 2 or 3 by publishing the information within another published document.</p>

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