

# Getting started: engaging with and influencing public bodies on the Equality Duty

## Introduction

The public sector is changing significantly in response to the financial crisis and policy changes. In England these policy changes include the Big Society, localism, increased emphasis on transparency and accountability, commissioning of public services from the private and voluntary sectors, and major changes in the way health services will be planned and delivered.

Against this background, voluntary and community sector organisations (VCSOs) have the opportunity to shape the way public bodies plan their strategic and day to day operations, help them to address inequality and discrimination, and improve the lives of all those who use their services.

It can feel difficult for VCSOs to influence public bodies, particularly if this is not something your organisation has done before. Finding the right people to talk to and building relationships with them are crucial. The focus of this section is helping you to do that, using the Equality Duty as a lever for change.

This section covers:

- Key opportunities to influence
- Some effective strategies for engaging with and influencing public bodies' performance on equality
- How to find out how key public bodies are structured, some of the changes coming from public sector reform, and why that matters
- How to find the right people to talk to in a public body
- Sources of further information

## Key opportunities to influence

A major influencing role for VCSOs is to help ensure that public bodies develop an accurate understanding of what the Equality Duty involves for their strategic and day to day activities.

Under the Equality Duty all public bodies have to have due regard to the need to advance equality of opportunity, eliminate discrimination and foster good relations in all aspects of their decision making.

Councillors, officials and lay people involved in the governance or running of public bodies may not necessarily be aware of the Equality Duty or what it means in practice for how they run their public body. Some may not be familiar, for example, with what 'protected characteristics' are, or of what and who the Equality Duty applies to in practice.

VCSOs can play a key role in helping public bodies understand the Equality Duty and how to use it to shape the way they deliver services.

A VCSO intervened to challenge the transfer of library services (under a community assets transfer) to a local church group whose publically stated position was to provide services only to people 'who did not offend their religious beliefs'. When challenged it emerged that the officials responsible for the transfer were unaware of the existence of the Equality Duty or that it applied in this case- including to the decision-making process about the transfer.

Alongside the Equality Duty, most public bodies are also subject to specific duties. The English specific duties require public bodies to publish information to demonstrate compliance with the Equality Duty and to set one or more equality objectives. You can see the English specific duties here: <http://www.edf.org.uk/blog/?p=13498>.

This means that critical opportunities for you to influence will be:

- Before and after the publication of information. In the first instance, this was on or before **31 January 2012** (or 6 April 2012 if it is a school). This will happen at least annually.
- Before and after the publication of equality objectives. In the first instance, this was on or before **6 April 2012** and then at least every 4 years.
- At points anytime in the year when major changes to policies or services are being considered
- If a decision about an individual's case indicates that a policy breaches the Equality Duty

## **Effective influencing strategies**

### ***Relationships***

The relationship that you have with a public body can be the most influential factor in determining how your organisation is viewed, involved and consulted; and ultimately what influence you will have and what funding and support your issues will receive. It's important therefore to give time, energy and resources to building strong relationships.

Crucial to developing a relationship with a public body is helping them to understand the vital role equality has in a democratic society; enabling people to exercise their rights and responsibilities, to achieve their potential, and to play their role in community, society and the economy.

When working with public bodies that are under significant pressure to find savings and efficiencies and new ways of working, it is crucial that your organisation is viewed as one that understands the challenges created by this agenda. Setting your work on equality (or what you want the public body to do on equality) firmly within the context of both the challenges facing public bodies and their priorities, will help to cement the important role that you can have. Setting out proposals for action, suggesting alternatives or mitigating actions when there are negative effects, and positioning your group or organisation as a strategic partner are also important. Wherever possible you should seek to make the business case for equality – that tailored, personalised services, addressing specific, identified local needs, are more effective and efficient.

A good starting point is to establish what priorities your group shares with the public body. For tips and to find out more about how this can promote equality [click here](#).

A Citizens Advice Bureau in the north of England was informed by their local Primary Care Trust (PCT) that they would be withdrawing funding to the bureau to provide outreach sessions at a local health centre.

The outreach sessions were being used by local people so that they could get timely advice about their debt and other problems which in turn helped to improve their health, particularly mental health.

The bureau asked if the PCT had complied with the Equality Duty and carried out any kind of equality impact assessment (or alternative). They had not.

As well as reminding the PCT of its responsibilities under the Equality Duty, the bureau talked to key people in the PCT, presented them with evidence of how beneficial the outreach sessions were and significant numbers of people who had been helped. The PCT reassessed the need for this service, in the light of the new evidence, and decided to continue funding the bureau to provide these sessions for another 2 years.

### ***Language and tone***

Using the right language when working with a public body can make all the difference in setting a tone that will grab attention and hold interest, and really help to get your message across.

You can be assertive and clear about what you want public bodies to do, while still hitting the right note and demonstrating that you want to work in a professional, constructive way with them. This is more likely to prove successful in the long term.

Understanding what public bodies want from VCSOs, and the power of local knowledge and evidence, are also crucial in being heard.

To find out more about this [click here](#).

### ***Be clear about what you offer***

Make sure you can clearly set out what you bring to the table and its worth. For example, it might be playing the role of critical friend, facilitator of contact with and input from a particular community or communities, offering solutions based on your experience, evidence or the views of your community. You could, perhaps, in partnership with others, devise ways for the public body to consult with your service users.

The lead agency in a local equality forum was informed that their local council intended to withdraw all of the council's written materials and make everything available online instead.

The forum thought that this would adversely affect disabled people and older people,

and reminded the council of their responsibilities under the Equality Duty to advance equality of opportunity. It was clear to them that older people in the locality would be adversely affected. They pointed this out to the council who then decided to re-think this policy.

### ***The role of partnerships and coalitions***

Effective partnerships and coalitions with other equality groups and with mainstream VCOS can help influence public bodies' fulfilment of their equality duties in many ways, including:

- You can show problems with a particular change, policy, or service that affects different groups (either in different ways or in the same way) – this helps get over the myth that equality is about a 'special interest group' and shows that there is a problem that needs to be addressed that genuinely affects a range of people.
- When competition for resources is tight it is not always easy - but it is better - to work out shared priorities with other organisations and work on those together to address your shared concerns. This is likely to do more to advance equality than having one equality group or issue that has the attention and interest of the public body with all others left out in the cold.

A VCOS joined forces with several mainstream and LGBT organisations in their area to develop a project to raise the profile of the needs of local LGBT people. They secured funding and worked with their local council on how they monitor and deal with homophobic and transphobic hate incidents. As part of the project they also worked with the local PCT to improve the health services provided to LGBT people.

Further information [click here](#).

### **Legal action within a relationship-based approach to influencing**

There will be times when legal enforcement of the Equality Duty through judicial review (JR) will be appropriate – either instead of or alongside a more relationship-based approach. Judicial review is a special form of court action in which a judge reviews the lawfulness of a decision or action made by a public body. This is likely to be a last resort, though. Note, however, that there are very strict time limits for seeking judicial review.

It is worth highlighting that letting public bodies know you are considering taking legal action – or actually taking legal action - when it is valid and necessary, can in fact help build your relationship with the public body. This can happen if you act with professionalism and integrity.

A VCOS in the north west of England believed that its local authority was not complying with the Equality Duty. After a successful legal challenge to the local authority, a relationship based on dialogue then developed. The working relationship between the VCOS and the local authority improved.

## The structures of public bodies

Having a sound understanding of the public body you want to influence can help to maximise the impact of your work with them. This might include working out the role and functions of different departments and any committees, what the governance arrangements are, who the body works with and who it is there to serve. This will help you to assess the opportunities for influencing or holding the body to account on equality and to plan your approach.

All public bodies have some form of governance, such as a board or committee, that is ultimately responsible for the public body's performance. Sometimes this will involve directly elected people (e.g. local councillors) but sometimes the people responsible will be appointed (e.g. most health bodies). Even when public bodies do not have elected people involved in their governance, they should still engage the public as an important element of how they develop and deliver services. The people involved in governance could be particularly important to influence when the public body sets its equality objectives.

If you do not have information about the public body's structure the first place to look is their website. You should be able to get organisation charts, names, phone numbers etc of those who head the various divisions or departments and a description of how the body operates.

If you can't find out from the web, or do not have web access (usually available in public libraries), their public phone number will be in the phone book, or available from Directory Enquiries.

## Engaging with and influencing the 'right' people

In **local authorities** the 'right' people will be both councillors and officers. You can visit your local council's website to find out the interests of your councillors and which areas they lead on.

All public bodies will also have **officers** who are responsible for assisting in the development of the policies and procedures of the public body and make sure that local services are delivered effectively.

Councils do not all have the same types of officers but some that you will find in many councils and who could be helpful to work with are:

- **Democratic and/or Member Services officers.** Their duties often include public and stakeholder involvement and developing new ways of getting the community involved.
- **Overview and scrutiny officers.** Scrutiny committees have two roles, to examine the work done by the Executive and recommend issues affecting local people that the Council might want to discuss. Scrutiny officers' work includes writing briefing documents for the scrutiny committee members and offering guidance to the chair and members of the committee.
- **Partnership Development and/or Policy and Performance officers.** These officers are concerned with 'best value' and they ensure, among other things,

that the council is involved with the public and partners in a way that all its services are freely available in an open and accountable way.

Partnership development officers are also responsible for developing partnerships with the police, health providers, community groups and social service agencies.

- **Equality Officers.** These officers oversee the implementation of the Council's equality activities to ensure that it advance equality of opportunity and foster good relations. They provide advice on equality legislation.

Many councils are no longer employing staff whose specific brief is to deliver on equality strategy, they are mainstreaming this work into other roles so it may take effort on the part of VCISOs to establish which officers now have this brief.

In relation to health services, getting involved in your local involvement network (LINK) may well be the best way to raise the profile of your group and find out who the key officers in the local PCTs and NHS trusts are. Local HealthWatch are due to be established by October 2012 as part of the proposed reforms to the health service. They will take over from LINKs. Their job will be to provide a collective voice for patients and carers and to advise the new clinical commissioning groups on the shape of local services to ensure they are informed by the views of the local community. They will champion patients' views and experiences, promote the integration of local services and improve choice for patients through advice and access to information.

For further information see: [LocalHealthWatch Pathfinders](#).

## **How public bodies are structured**

### ***Local Authorities***

For local authorities, the Openly Local site at [Openlylocal](#) gives easy access to key information about individual authorities including what type of authority it is, structures, committees and meetings, population, funding, and links to Freedom of Information requests made to the authority. For further information see: [How your local Council works](#).

### ***The National Health Service (NHS)***

This sector will see major changes in the coming years. The Health and Social Care Act proposes major changes in the way national health services will be delivered, particularly at a local level.

From April 2013, local health commissioning will move away from being the responsibility of PCTs to clinical commissioning groups (CCGs). The CCG board will be made up of GPs, other health professionals and lay members and will be responsible for decision making about the priorities for commissioning of local health services.

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For more information see [Influencing the New Health System in a local area – A briefing for Local Voluntary and Community Groups](#) published by NAVCA, NCVO and Regional Voices.

At present, the health bodies to which the Equality Duty applies include:

- Strategic Health Authorities. These were created in 2002 by the government, to manage the NHS locally. The Health and Social Care Act abolishes these bodies.
- Primary Care Trusts. These are local organisations that work with local authorities and other agencies to make sure that the health and social care needs of the local population are being met.
- NHS trusts, for example: Ambulance Trusts, Hospital Trusts, Mental Health Trusts and Care Trusts.
- NHS foundation trusts, which are a type of NHS hospital run by local managers, staff and members of the public.

For further information see: [NHS authorities and trusts](#) and [Dept. of Health website](#).

A further structure through which to influence health and social care services on equality are Local Involvement Networks (LINKs). These were set up to help people influence or change the way their health and social care services are delivered. LINKs are made up of individuals and community groups who work together to improve local services.

So finding out more about your local LINK will help you to gain a better understanding of how local health services operate and how your group can get involved, and make sure equality issues and the Equality Duty are right at the centre of health and social care service delivery. For further information see: [LINKS](#).

A PCT recognised that they had a number of people coming into accident and emergency for treatment following gender reassignment surgery which has taken place abroad. In order to better understand the reasons why people were travelling abroad for surgery, which often led to complications and which required further surgery on their return to the UK, the PCT asked the Local Involvement Network (LINK) to convene a specialist group which brought together voluntary sector organisations who were supporting people with gender variance issues, including mental health and transgender groups. This resulted in the PCT undertaking an awareness raising campaign with local GPs to improve referrals to the NHS specialist transgender units.

In this case, the PCT was proactive in addressing an equality issue, and undertook to gather further evidence. The LINK therefore helped the PCT in complying with the duty.

### ***Police Authorities***

Police authorities are independent bodies made up of local people. They are responsible, together with the Home Secretary and chief police officers, for the management of policing in a specified local area. Their role is to make sure that local

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police forces are efficient and effective. They are due to be replaced by elected police commissioners who will be elected in autumn 2012.

Currently, most police authorities have 17 members, made up of local councillors and independent members. For further information see: [Association of Police Authorities - Your Police Authority](#).

## **Where to get further information on engaging and influencing public bodies**

### ***Information and toolkits on engagement for VCSOs (generic and equality)***

You can find NCVO's generic guidance about engaging and influencing here [NCVO webpage "Getting you started" campaigning resources](#) and here [Tips on good practice in campaigning \(free\) PDF document](#).

The Compact is an agreement between the government and the voluntary sector about how each should behave when working with the other. You can find guidance about the Compact and how to use it here: [Compact Voice - Why use the Compact?](#).

['The Compact and You: A guide for the Black Asian and minority ethnic voluntary and community sector'](#) produced by Voice4Change is a helpful general guide to what you can expect when working with public bodies. It is aimed at BAME organisations but others will find it helpful too.

### ***Information for public bodies about the Equality Duty***

It can be useful for VCSOs to be familiar with guidance aimed at public bodies. It can deepen your understanding of how to engage with public bodies, or you can simply refer public bodies to them.

The Government Equalities Office has published two 'Quick Start' guides, one on the Equality Duty, one on the specific duties. They are available on the GEO website here <http://www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/equality-duty?view=Binary> and here <http://www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/specific-duties>.

The Equality and Human Rights Commission (EHRC) has published non-statutory guidance for public bodies. See: [EHRC Guidance on the Equality Duty](#). Their guidance on the Equality Duty and spending cuts is particularly helpful. See: [Using the Equality Duty to make fair financial decisions](#) .

brap is a think fair tank, inspiring and leading change to make public, private and voluntary sector organisations fit for the needs of a more diverse society. They have published a guide for public bodies on making and shaping equality objectives. See: [Equality Objectives and Public Authorities](#).