

# What our plans mean for you



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# Chapter 1

## Background and introduction

### **Background**

This document highlights some of the key issues the Commission has championed and intervened on across the seven protected grounds and human rights over the last 18 months, as well as our future plans. It also sets out the domains in which we will take action and the levers and powers we will use.

Taking a ‘strand-based’ approach in our work does not always fit neatly with the Commission’s intention to act across its mandate in an integrated way. Therefore we have also listed significant achievements and our future plans that do not fall clearly into one of the protected areas, and which we consider to be ‘cross strand’.

### **Introduction**

As a statutory body the Commission has the responsibility to protect, enforce and promote equality across seven ‘protected’ grounds: age, disability, gender, gender reassignment, race, religion and belief, and sexual orientation. In addition we have a duty to promote awareness, understanding and protection of human rights, and to promote good relations.

But the heart of the Commission’s mission – our integrated mandate – means that we will act across all the areas for which we are responsible, promoting fairness through structural change that benefits the 61 million people in Britain.

We will always be ready to tackle the specific issues of discrimination, inequality and human rights failings that matter to each of the protected groups we are concerned with. There can be no fair society if age, disability, gender, race, religion and belief, sexual orientation, and transgender status remain as markers of disadvantage. And there can be no lasting or deep-rooted progress for disadvantaged groups unless we make a robust case for fairness which involves everyone.

At the heart of the integrated approach is the proposition that we should start with the evidence of where the most significant and intractable inequalities and human right abuses lie, and look for the drivers behind these inequalities.

It is recognised, however, that this approach is reliant on the availability of robust data and evidence. Our strategic plan acknowledges this, proposing that we evolve from a hypothesis-driven strategy to an evidence-based strategy over the next three years. It is probably most true of all in relation to the new mandates, where there is insufficient data alongside relatively low visibility of the available evidence that exists.

In the context of identifying and targeting discrimination and disadvantage, it is fair to say that unless specific attention is given to each of the new mandates, then critical issues are liable to be missed. Therefore focusing on the individual mandates and identifying the key challenges and potential remedies for each of them will remain a priority.

Protection of human rights cuts across all strands. We view our mandate in relation to human rights as integral to progressing protection on equality issues as well as human rights.

Many of the actions identified in this paper have broader applications across our integrated mandate and the work to be done on the new strands is often part of cross-strand projects.

The overall strategic planning process has identified programmes and projects in a thematic way, while still retaining sensitivity to the particular priorities relevant to individual strands.

## Focus areas

A series of domains have been considered in respect of each of the mandates. These include:

- legislative protection and enforcement
- health and social care
- representation and engagement
- goods and services
- crime and criminal justice
- employment
- education, and
- good relations.

Our work programmes and projects for each mandate have been identified primarily in relation to these domains.

## Our powers, duties and levers

Under the Equality Act 2006 the Commission has a general duty to encourage and support the development of a society in which:

- people's ability to achieve their potential is not limited by prejudice or discrimination
- there is respect for and protection of each individual's human rights
- there is respect for the dignity and worth of each individual
- each individual has an equal opportunity to participate in society, and
- there is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights.

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The Commission has particular statutory duties with regard to equality and diversity to:

- promote understanding of the importance of equality and diversity
- encourage good practice in relation to equality and diversity
- promote equality of opportunity
- promote awareness and understanding of rights under the equality enactments
- enforce the equality enactments
- work towards the elimination of unlawful discrimination, and
- work towards the elimination of unlawful harassment.

The Commission also has duties to promote awareness, understanding and protection of human rights, and has powers to conduct inquiries and investigations, and enforce the public sector duties.

The Commission is the custodian of equality and human rights law with unique powers and levers at its disposal, and we intend to work collaboratively with leaders and organisations to maximise the impact of our work. These include:

- casework funding
- mediation
- compliance notices
- public sector duty assessments
- investigations
- interventions/judicial reviews
- working with government on the single equality bill
- lobbying on government legislation
- working with government departments to influence policy
- provision of advice and guidance
- gathering evidence and research, and
- grant funding.

# Chapter 2

## The protected grounds and mandate areas

### Age

Discrimination on age grounds can be experienced by everyone and, as with other forms of discrimination; it is based on assumptions about a person's attributes and abilities, rather than on a rational assessment of the individual. We need to free ourselves from age stereotypes, so that we can begin to appreciate and respect others of all ages.

The Commission has a significant programme of work focusing on addressing barriers to equality and participation faced by old and young people alike, aiming to tackle the attitudes and stereotypes that can lead to age discrimination.

Public awareness of ageism as an equality issue is particularly low, and some forms of prejudice or discrimination towards older people are still seen as acceptable. While older people face the most obvious discrimination, younger people are still unfairly judged by their age. We also need to consider the rights of children, who cannot always speak for themselves, and who are therefore the most vulnerable group in our society.

Many of the issues relevant to children and young people – such as homophobic bullying or educational attainment of ethnic minority children – are addressed under our projects in relation to sexual orientation or race.

### What has the Commission achieved?

- Intervened in a judicial review brought against the government by Age Concern and Help the Aged, arguing that by allowing mandatory retirement ages the regulations fall foul of European law. We are waiting for the case to resume in the high court.
- Acted in the case of Seldon v Clarkson Wright and Jakes, where an employee was forced to leave their role as a senior partner when he reached the compulsory retirement age of 65, which has reached the court of appeal. In Scotland the Commission has supported the successful case of the medical receptionist Ms McNeil, who had been asked to leave her post when her employers discovered she was over 65.
- Helped secure National Insurance credits toward the basic state pension from April 2011 for grandparents and other adult family members caring for their grandchildren or other members of their family aged 12 or younger.
- Published research around the attitudes of 'baby boomers' on age discrimination to emphasise the importance of the equality bill to older people.

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- Partnered with The Age and Employment Network (TAEN) to host the Age Diversity in the Downturn conference on the business benefits of creative approaches to age management, which featured international speakers. We have also provided funding to TAEN for development of their website which included a service in Welsh.
- Worked with young people to develop the next generation of equality and human rights ambassadors. Our Space summer camps enabled young people to develop their understanding of equality. Similarly our youth debates brought children together to debate good relations, what the media says about young people, and young people's rights. Our Young Brits at Art competition encouraged young people to use self-portraiture or pictures exploring how they feel about living in Britain.
- Promoted good relations in Wales through the Croeso project, including an animation competition for young people, and helping produce exhibitions, film screenings, debates, workshops, festivals and other educational work with younger children.

## What we are going to do?

- Continue to influence the equality bill to address age discrimination in the provision of goods and services.
- Submit evidence to the Department of Health's national review of age discrimination in health and social care which will report to the Secretary of State in October.
- Influence the debate on age discrimination in the health and social care systems by identifying and challenging the discriminatory aspects of the present health and social care system.
- Contribute to the government review of the default retirement age, working with key age lobby stakeholders.
- Build on our Working Better initiative to promote innovative and flexible working to identify the benefits for older workers and people with disabilities, as well as working parents.
- Promote equality goals within the Staying On education agenda in England, and publish research and recommendations on agendas for equality issues for young people not in education, employment or training and other at-risk or marginalised groups.
- Work with young people at school to develop a range of resources to support teachers in promoting equality and human rights, and assist the delivery of the citizenship agenda to young people, including a citizenship guide.

- Undertake research to understand what influences positive attitudes and triggers prejudice among young people, and use the findings to promote long-term cultural change. We will commission the Being Young in Scotland survey to understand attitudes and promote change.
- Build on our youth programme to promote good relations between young people of different backgrounds, bringing them together with a view to breaking down barriers to understanding and tolerance.
- Continue to advocate a fair start in life for every child through adequate preschool provision, particularly where English is a second language, through our Early Years, Life Chances and Equality review.
- Partner with Scotland's national information and citizenship organisation, Young Scot, to reach a large new audience of young people in Scotland and raise awareness our work.
- Engage with Age Concern and Help the Aged on Just Ageing, examining equality and ageing to develop an understanding of the dynamics of inequality over the life course and identify solutions to address inequalities and disadvantage in later life.
- Work with Grandparents Plus to publish a report which will examine inter-generational poverty, and explore the links between the role grandparents play in child care and poverty across three generations of the family.

## **Disability**

The Commission aims to create a society in which all disabled people have real freedom and opportunity to participate fully and to contribute to society as equal citizens. This work builds on the initiatives and significant progress of the Disability Rights Commission.

The Commission has a duty to eliminate unlawful discrimination and harassment of disabled persons, promote equality of opportunity, promote positive attitudes towards disabled persons and encourage participation, and to take steps to take account of disabled persons' disabilities under the Disability Discrimination Act.

## **What has the Commission achieved?**

- Provided legal assistance to Sharon Coleman whose case established the right of Britain's millions of carers to protection against discrimination by association by employers.
- Considered around 100 enforcement or pre-enforcement actions which relate to disability discrimination.
- Pursued a formal agreement with a multinational organisation in the hotels and leisure industry to enable accessibility of premises, facilities and website provision for disabled and non-disabled users.
- Mounted a successful legal challenge to the ruling that people with mental health conditions are not 'credible witnesses' in court – ensuring they have access to justice in the case of R v Director of Public Prosecutions.
- In Allen v Royal Bank of Scotland, secured an injunction to ensure the bank made its property physically accessible to wheelchair users.

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- Published widely recognised guidance on the European regulations on air travel to ensure disabled passengers were aware of their rights, publicised through a national campaign. We had nearly 3,000 website visits on this area in our first month alone, our advice documents were read by 2,000 people, and our conciliation service is investigating 39 potential infringements of the directive.
- Advised the government on how to fill the gap created by the House of Lords' judgement in *Malcolm v Lewisham*, which has limited the scope of the Disability Discrimination Act's protection in relation to premises. The Commission is seeking to ensure the gap left by this decision will be dealt with by the equality bill.
- Successfully challenged four government departments over the number of reservations they requested from the UN Convention on the Rights of Persons with Disabilities (UNCRPD) resulting in fewer reservations when the ratification was announced.
- Launched *From Safety Net to Springboard*, reporting on social care and support, to position social care as a driver of social and economic benefits rather than a burden, and proposing a series of reforms to influence the current green paper.
- Published a report on the negative experiences of disabled employees and called on the government to address this in welfare reforms.
- Conducted well-received research into disabled people's experience of targeted violence and hostility, and launched a plan of action alongside Maria Eagle MP and the director of public prosecutions.

- Celebrated the International Day of Disabled People by co-sponsoring and participating at a Dignity and Justice for All of Us event with Disability Wales, with the aim of raising awareness of the UNCRPD and celebrating the identity of disabled people in Wales.

## What we are going to do?

- Ensure the equality bill improves and builds on the Disability Discrimination Act, and identify new opportunities arising from the Public Sector Equality Duty to further the rights and opportunities of disabled people.
- Liaise with the Disability Charities Consortium and individual leaders to influence the implementation of the disability specific provisions of the equality bill.
- Produce and promote guidance to increase awareness of public bodies of their obligations under the duties, specifically focusing on equality impact assessments, involvement and revisions to the disability equality scheme. We will host a conference for public authorities and disabled people's organisations concerning the revision of disability equality schemes in December 2009.
- Continue to monitor compliance of agreements in relation to the provision and access to services for disabled users involving three major higher educational establishments.
- Protect and monitor implementation of the UNCRPD, engaging disabled people's organisations from across Britain and building their capacity to optimise the opportunities the UNCRPD presents.

- Consider launching an s16 inquiry into Britain's compliance with and progress towards implementation of the UNCRPD. Commission an appraisal of disabled children's rights in Britain, based on the UN Convention on the Rights of the Child and UNCRPD.
- Review progress towards the development of physically accessible goods, facilities and services five years on from the implementation of the Disability Discrimination Act in this area, and bring forward proposals for action.
- Build our own awareness and engagement with people with autism and people with neuro-diverse profiles, and develop a number of specific projects to address their rights.
- Facilitate a mental health and employment working group to contribute thinking to the Commission's employment focussed activities.
- Produce a good practice case study concerning the employment of people with 'neuro-diverse' profiles in partnership with Government Communications Headquarters.
- Input into the review of the special educational needs and disability policy led by the Department for Children, Schools and Families.
- Build on our Working Better initiative to promote ways to make workplaces more open and accessible to disabled people, and particularly people with mental health conditions, and people with autism and other 'neuro-diverse' profiles.
- Influence policy and practice aimed at narrowing the employment and skills gap between disabled and non-disabled people, including via the 'right to control' and engagement with the UK Commission for Employment and Skills.
- Seek to enhance disabled people's real and perceived sense of safety and security. We will follow up our 2008/9 research with a themed review of the actions of public authorities to eliminate harassment and promote positive attitudes, by stimulating innovation in the provision of independent advocacy, by promoting access to justice through practice development and by legal intervention.
- Identify and engage with those disabled people 'missing in action' in the independent living movement through the Independent Living Scotland project. We will also work to develop skills among disabled people in institutional care, young disabled people, and disabled people in minority or remote rural communities.
- Develop and deliver an Access Project in Wales to bring together key players in the statutory and voluntary sectors to highlight accessibility issues, and to ensure they are considered by decision makers.
- Contribute to the Commission's Violence Against Women programme and investigate the nature, extent and effect of forced marriages of disabled people.
- Commission a scoping study to identify priority issues facing disabled Muslim people.
- Commission a paper and host a seminar to refine its own thinking on end-of-life decision making from a human rights perspective.

# What our plans mean for you

## Gender

The Commission aims to achieve equality of opportunity and fairness for all, irrespective of gender. The Commission has a significant programme of work, focussing on the key issues we believe need tackling, for example the gender pay gap and flexible working practices. This builds on the initiatives and significant achievements of the Equal Opportunities Commission.

The Commission has a responsibility for enforcing the Sex Discrimination and Equal Pay Acts. We have a legal duty to work towards the elimination of gender discrimination, to promote equality of opportunity between the sexes and to keep the working of the legislation under review.

## What has the Commission achieved?

- Published the findings of our inquiry into gender discrimination in the financial services sector, providing clear recommendations and follow-up actions.
- Intervened in a case concerning London borough council of Ealing, to argue that the council had not taken proper steps to determine the adverse equality impact of proposed funding changes that threatened the survival of Southall Black Sisters (a domestic violence support group). Ealing council conceded the claims during the hearing, accepting that the Commission's position on the equality laws that apply was correct.
- Intervened in Cumbria county council v Slack and others, to establish that women who work for the same employer on a series of continuous contracts can bring equal pay claims for the whole length of their employment where the substance of their job has remained the same.
- Considered around 70 enforcement or pre-enforcement/compliance cases which relate to gender discrimination.
- Commenced preliminary investigations into two employers: one relating to sexual harassment in the civil engineering sector and one relating to pregnancy and risk assessment needs in the care homes sector. We have entered into formal agreements with both these organisations and we will continue to closely monitor the compliance.
- Actively monitored agreements in lieu of legal action with a large multinational private employer concerning equal pay, an international logistics company concerning sexual harassment and a large private company in the leisure sector involving flexible working arrangements.
- Published a shadow report on the government's performance against its obligations under the UN Committee on the Elimination of Discrimination Against Women (CEDAW).
- Co-hosted a capacity building conference for the women's non-governmental organisations sector to raise awareness of CEDAW and how to engage with UN processes.

- Influenced the government to allow women to buy back extra years for their pension, which could benefit 350,000 women by the end of 2010.
- Produced two Map of Gaps reports exposing the postcode lottery of services dealing with violence against women, and wrote to over 100 local authorities asking them how they will meet their obligations under the Gender Equality Duty. Our interactive map of services enabled the public to lobby their MP and local authorities to press for more investment in these vital services.
- Set a new policy agenda for flexible working and maternity leave policy through the Working Better initiative. Our study of the impact of public policy and workplace culture on the way Britain works sparked a lively debate around the assumption that women should do the lion's share of caring. The report was supported by a YouGov report on how families in Britain today manage the parallel demands of work and caring, and a study on flexible working policies in Britain and other European countries.
- Published the 2008 Sex and Power Index, drawing attention to the fact that women's progression to positions of influence has stalled.
- Launched a report, Who Runs Wales, highlighting the lack of women in positions of power and influence in Wales.
- Developed a number of resources to help employers understand and implement equal pay, including equal pay in practice checklists, pay audit toolkits, and other guidance.
- Published the first study of its kind analysing pay gaps and pay penalties by gender and ethnicity, religion, disability, sexual orientation, and age.
- Provided expert advice to the Welsh Assembly Government's Culture and Communities Committee on domestic abuse and the impact of the gender equality duty on requiring every public authority to implement an effective domestic abuse strategy.
- Partnered with the Welsh Assembly Government and Wales Trades Union Congress (TUC) as part of our Close the Gap campaign, to deliver an equal pay campaign, Gaining Control, and gave evidence at the National Assembly for Wales Equality of Opportunity Committee on the next steps for progressing equal pay in the public sector, all as part of our Close the Gap campaign.

## What we are going to do?

- Continue to monitor compliance of HM Prison Service's agreed action plan, following the suspension of the Equal Opportunities Commission formal investigation into sexual harassment of staff. The action plan remains in force until December 2009 when we will review all steps taken in accordance with the agreement.
- Conclude the s20 investigation into equal pay for teaching assistants in Glasgow city council, and publish a report of findings and recommendations.

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- Work in partnership with the Confederation of British Industry, the TUC and others to develop a set of metrics for reporting on the gender pay gap in the private and voluntary sector to create greater transparency and produce employer guidance. We will also commission research and carry out detailed statistical analysis to produce a baseline report on pay transparency for the government.
- Scope the root and branch review of the legislative framework for equal pay, and commission research into the outcomes of claims and factors that prevent equal pay.
- Conduct an annual review into how many organisations report on gender pay, to continue to build evidence on their effectiveness and promote their role to businesses and employers.
- Continue to work in partnership with the Welsh Assembly Government and Wales TUC, and also with the Scottish government on the Close the Pay Gap campaigns.
- Follow up on our Map of Gaps 2 report and complete an assessment of local authorities who appear not to meet their statutory obligations in relation to the provision of specialised services for women who experience violence.
- Continue to use our Sex and Power reports to highlight the continuing battle women face to break into positions of power.

## **Race**

The Commission aims to promote equality of opportunity, to work to eliminate unlawful and institutional racial discrimination, and to promote good relations between persons of different cultures and backgrounds. This builds on the initiatives and significant achievements of the Commission for Racial Equality.

The Commission has responsibility for enforcing the Race Relations Act, which protects all racial groups, regardless of their race, nationality colour, national or ethnic origins. We undertake a wide range of activities to build awareness about the rights and responsibilities that individuals and organisations have under the act.

## **What has the Commission achieved?**

- Published the findings of our formal inquiry into race discrimination in the construction industry, providing clear actions to deliver wider employment participation.
- Considered around 170 enforcement or pre-enforcement/compliance cases which relate to race discrimination.
- Successfully intervened in a case concerning the withdrawal of funding to the domestic violence support group, Southall Black Sisters and, as a follow up, developed guidance for local authorities on the provision of funding.
- Promoted public debate on race and identity in modern Britain with a report on progress with race equality in the police service, research on the changing picture of ethnicity and family, and a poll covering attitudes to race and identity.

- Held a major event to mark the ten years since the publication of MacPherson Inquiry into the death of Stephen Lawrence and published ‘Police and Racism: What has been achieved 10 years after the Stephen Lawrence inquiry report?’ This was a significant landmark in the history of race in Britain, and how the public sector deals with issues of equality.
- Monitored government proposals to impose new ‘stop and search’ and ‘stop and account’ powers outlined in the Flanagan Report to ensure compliance with the race equality duty.
- Acted as an observer on an independent advisory group which assessed the Prison Service’s progress in improving race equality for staff and prisoners following the Commission for Racial Equality’s formal investigation **(1)**.
- Co-chaired an independent scrutiny panel with the prisons minister to measure the implementation of an action plan **(2)** to improve race equality for staff and prisoners.
- Undertook research to establish whether migrants receive priority in the allocation of social housing, which was disseminated to local authorities throughout England and Wales, and was widely covered in the press.
- Hosted a migration summit launching new work about migration and the labour market and its impact in British cities. The Commission’s evidence indicates that immigration has been largely beneficial to the UK’s economy and has had little or no negative impact on the labour market.
- Set out solutions for site provision for Gypsy and Traveller communities, as well as working cooperatively and in parallel with formal legal action, or the possibility of formal legal action, helping Basildon council to work towards a solution for the Dale Farm site.
- Held an event at the National Assembly for Wales to celebrate Gypsy and Traveller culture in Wales, marking the UN Day for the Elimination of Racial Discrimination.

## What we are going to do?

- Complete our inquiry into the pay and conditions of agency and temporary workers in the meat and poultry processing industry.
- Work with the Home Office to ensure fair sentencing for ethnic minorities through effective monitoring.
- Carry out an assessment – ‘Stop and Think’ – to report on race disproportionality in the use of stop and search by the police and influencing Home Office policy development.
- Review the progress of the prison service in monitoring the treatment of ethnic minority prisoners and staff, through the evaluation of their equality scheme and annual report.
- Produce a shadow report on Britain’s compliance with the UN Convention on the Elimination of all forms of Racial Discrimination (CERD) and engage with and brief stakeholders including the UN committee members.
- Establish a close relationship with the Winning the Race Coalition on the equality bill and seek to support their ongoing work.

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- Work with Business in the Community on their 'race for opportunity' campaign on recruitment from ethnic minority communities and in developing a 'good practice' toolkit.
- Collaborate with the Diversity Practice BAME Women's Leadership network to deliver the 'Diversity Leadership' conference on 13 October 2009.
- Publish a report in partnership with the Runnymede Trust examining the accrual of financial assets in terms of ethnicity and financial inclusion.

## **Religion and belief**

Under human rights and anti-discrimination legislation, people have the right to hold their own religious beliefs or other philosophical beliefs similar to a religion. They also have the right to have no religion or belief.

Under the Equality Act 2006, it is unlawful for someone to discriminate against another person because of their religion or belief (or because they have no religion or belief).

Under British anti-discrimination and human rights legislation, people are also entitled to practise their religion or belief, express their views and get on with their day-to-day life without experiencing threats or discrimination.

We recognise that there is a disparate stakeholder community and a range of different voices in relation to religion and belief. The main work on religion and belief for the Commission will therefore be a period of evidence gathering, together with some work to promote good relations.

## **What has the Commission achieved?**

- Considered around 20 enforcement or pre-enforcement/compliance cases which relate to religion and belief.
- The Muslim Women Power List celebrated successful Muslim women and helped create a new network of support and mentoring.
- Funded a number of multi-faith projects through our grants distribution within our regional structure. This included the Values in Harmony initiative in Scotland which delivered a resource of teachings, writing and attitudes from eleven major religion and belief communities.

- Facilitated a discussion and working group looking at tension between Muslim and Sikh youths.
- Facilitated a discussion set up by the Three Faiths Forum, in partnership with the London Jewish Forum and City Circle (Muslim young professionals) on the impact of the Middle East situation on the Muslim and Jewish faith communities in London.
- Held internal seminars for staff to develop their capabilities recognising this is a new equality area for many and helps balance interest.
- Contributed to the government's consultation and subsequent report, Face to Face and Side by Side about interfaith strategy.

## What we are going to do?

- Hold informed research and inquiry activity on the relationship between faith and secular communities in Britain, and undertake preparatory scoping and research to inform those discussions.
- Produce a report reviewing religion and belief in employment, education or services.
- Define the Commission's role in addressing conflict and tension between religion, faith, and community and position as a recognised facilitator of resolution through engagement.
- Improve the human rights of Muslim prisoners and reduce discrimination by following up the study undertaken by the National Offender Management Service in the treatment of Muslim prisoners.
- Report on a series of workshops we have hosted on religion or belief in civic life and hold regional events focussing on reducing tension in public life.
- Hold a high-profile lecture with the Royal Society of Arts entitled: Do human rights come before religious rights?

## Sexual orientation

The external policy agenda for sexual orientation is fairly well developed, but under-resourced. It is important to ensure that the Commission's actions complement and do not repeat existing activity done by the voluntary sector organisations in the field.

The Commission believes one of its key roles in this area, given the lack of available data on sexual orientation, will focus on research. We also have a significant role to play in consolidating the gains made through the introduction of legislative protection for gay men, lesbians and bisexual people.

## What has the Commission achieved?

- Acted on behalf of a lesbian couple who were denied IVF treatment on the basis that they were a same-sex couple. This raised the important issue of how same-sex couples are treated by the NHS and prompted health authorities to consider their policies.
- Provided assistance to Stephen English whose legal case established that heterosexual victims of homophobic abuse at work are protected if the abuse is motivated by homophobic stereotypes.
- Considered around 10 enforcement or pre-enforcement and compliance cases which relate to sexual orientation. This includes working with a venue that would not permit hire for the celebration of civil partnerships to ensure the conditions of hire were altered to end this discrimination.
- Intervened before the Charity Tribunal in *Father Hudson's Society and Catholic Care (Leeds) v Charity Commission* to ensure that religious adoption services could not be refused on the grounds of sexual orientation.

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- Played a key influencing role to ensure the smooth passage of a landmark piece of legislation in Scotland which will introduce statutory aggravations for crimes motivated by prejudice towards gay men, lesbians, bisexual people, disabled people and transgender people.
- Provided advice to over 350 callers to our helpline in relation to sexual orientation issues, and funded 20 lesbian, gay, bisexual and transgender related projects through our 2008/9 grants programme, allocating around £650,000.
- Worked with the Office for National Statistics to improve the data it provides to decision makers and the public about sexual orientation. From 2009 a core question on sexual identity will be asked on all surveys under the Integrated Household Survey.
- Commissioned research including a comprehensive review of evidence on sexual orientation and inequality; a report on measuring and improving estimates of the Lesbian, gay and bisexual (LGB) population; new survey research exploring sexual orientation, attitudes, experiences, behaviour and identity; and papers on homophobic hate crime and why sexual orientation is a public matter.
- Worked with the Scottish government to take forward the recommendations of *Challenging Prejudice: Changing Attitudes towards Lesbian, Gay, Bisexual and Transgender People in Scotland* in response to the report from the Hearts and Minds agenda group.
- Commissioned a review of all equalities research and data in Wales from the Bevan Foundation. Its findings were stark and highlighted a major gap of research and data on LGB issues.
- Supported a campaign against homophobic bullying in Scottish schools, including a teachers' toolkit. Working with Stonewall Scotland, we also launched a DVD of the acclaimed schools' touring play, *Fit*, which looks at homophobic bullying in schools.
- Held five seminars that covered the history of progress on sexual orientation equality, the need for progressive sexual orientation evidence, homophobic hate crime, the experiences of staff and students in higher education and the impact of recent legislation.
- Established a successful LGB research network to provide a platform for debate and discussion on critical issues to influence policy and change and facilitate research collaborations.

### What we are going to do?

- Launch the findings of our sexual orientation research with the publication of our policy position, and work with the government, public bodies and stakeholders to bring a harmonised and effective approach to collecting and using data on sexual orientation.
- Investigate and take action where there are significant gaps in data on sexual orientation to help support the population of the equalities measurement framework for the triennial review.

- Monitor progress of the criminal justice system in addressing homophobic hate crime against the actions within the 10-point plan detailed within the Homophobic Hate Crime: The Gay British Crime Survey 2008 to improve monitoring and reporting of homophobic hate crimes and strengthening support mechanisms to victims **(3)**.
- Build on the findings and take forward the recommendations from the Commission's Staying On project, explore options for partnership working with key sector bodies to mainstream action on tackling homophobic bullying in all schools. **(4)**
- Monitor the action taken by the Department for Business, Innovation and Skills and other sector bodies in response to the Equality Challenge Unit report on the issues faced by LGB staff and students in the higher education sector.
- Work closely with the health and social care sectors to ensure they develop strategies to embed the different requirements of LGB people to address the health inequalities they experience.
- Continue to argue for clarification of the obligations of EU member states regarding the recognition of same-sex couples, encourage the expansion of legal rights to protect them and recognise the validity of partnerships concluded here and abroad.
- Continue to coordinate the Commission's LGB research network to provide a platform for debate and discussion on critical sexual orientation issues.

## **Gender reassignment**

The transgender community comprises a small population with quite particular issues. The discrimination faced by trans people is stark.

The Commission has a programme of work focusing on improving transgender inclusion, equality and rights.

Our ambition over the long-term is to ensure that everyone in Britain is safe and valued whatever their gender identity and to have full freedom in their gender expression.

## **What has the Commission achieved?**

- Advised the government on transgender equality in the new equality bill, working for as broad a definition of gender identity as possible to ensure that all trans people enjoy equal protection under the law.
- Lobbied extensively for key changes in the equality bill. This included advocating for protection on the grounds of perception and protection from harassment and discrimination in schools to ensure that we are also working to make sure transphobic bullying is outlawed in education and schools.
- Played a key influencing role to ensure the smooth passage of a landmark piece of legislation in Scotland. When the bill is passed Scotland will be the only part of the UK to have provisions in criminal law to tackle transphobic crime: a provision we pushed to be included in the bill.
- Intervened to protect funding for treatment for gender reassignment through correspondence with a primary care trust explaining the requirements of the public sector duties.

## What our plans mean for you

- Commissioned a full-scale review of the research that exists on transgender inequalities to map the gaps in our knowledge and publish findings.
- Identified gaps in trans data needed to populate the equality measurement framework and indicators of inequality.
- Included the perspectives of trans people in a range of thematic research, including a north-west diversity survey, a survey of parents and a sexual orientation survey.
- Commissioned Telegraphix to deliver a workshop at the Equality Exchange Conference on confidence with dealing with gender identity issues.
- Conduct a monitoring exercise to help assess what action public bodies have taken to enable them to meet the gender duty in relation to trans people, providing valuable information for future guidance on the new equality duty.
- Develop an evidence base on key issues and good practice to inform future guidance on the new public sector duty on gender reassignment.
- Work with key agencies to tackle transphobic hate crime and hate incidents.
- Work with the health and social care sector to promote policy and practice reforms across public services to promote dignity, respect and fairness, and deliver measurable and effective improvements in access to healthcare for trans people.

## What we are going to do?

- Launch the review of evidence on inequalities faced by trans people in October 2009.
- Produce guidance on how to prevent discrimination on the basis of gender identity in the provision of goods, facilities and services, such as housing services and leisure facilities.
- Work with European stakeholders to ensure that EU legislation provides adequate protection against discrimination against trans people, and propose changes where gaps exist.
- Undertake research on the experiences and needs of lesbians, gay people, bisexual people, transgender people and communities.

## Cross strand

The language often used about ‘strands’ implies that people are one-dimensional. This is not true – we all fit into most of the strands, and there may be other factors that affect us as well, for example poverty, where we live, caring status, socio-economic status, etc.

We need to think beyond strands – there is a combination of factors that affect us and we must recognise the interplay of many forms of discrimination and disadvantage. In practice, this means taking a person-centred approach, and moving beyond strand labels.

We do however feel that universal rights and values are best achieved through attention to the particular forms that discrimination takes and the specific realities of people’s lives, while a generic approach to diversity and discrimination can mask the persistence of hidden bias and inequalities.

We therefore believe that to bring about a significant reduction in the experience of multiple discrimination overall there must be focussed work on the specific intersections of equality strands. This will need to be by an appraisal of the current capacity within the equalities’ sector and the historical basis for future work. We need to understand why certain groups with intersectional identities and/or facing multiple discrimination have been and continue to be poorly served.

## What has the Commission achieved?

- Took strategic legal cases to build the Commission’s reputation as an authoritative body:
  - Dealt with 60 legal cases in our first 18 months of operations. Around 80 per cent of resolved cases were dealt with without formal enforcement proceedings. We used our legal powers to extend and clarify people’s rights.
  - About 75 per cent of our cases involved allegations relating to race, disability or gender, reflecting the coverage of the current public sector duties. We undertook a number of cases related to the new mandates: age, sexual orientation, religion or belief, and human rights. The Commission wrote to the heads of all public bodies in England and Scotland to remind them of their legal responsibilities under the public sector duties to promote equality and eliminate discrimination.
- Supported small businesses with a guide to equality law in the recession through a micro site (with over 3m links with the *Daily Mail* and *Financial Times*) and a guide on managing redundancies (over 140,000 distributed), alongside guidance for employees on their rights at work. This has developed important links between the Commission and the Federation of Small Businesses and the British Chambers of Commerce.
- Launched Talent not Tokenism with the Confederation of British Industry, providing ideas for employers to bring about change and promoting positive action.
- Produced a guide for employers, in partnership with the Refugee Council, on ‘employing refugees’.

## What our plans mean for you

- Reviewed the performance of the Olympic Delivery Authority on procurement and supplier diversity in the 2012 Olympics.
- Published 'Insight: Work fit for all – disability, health and the experience of negative treatment in the British workplace' based on a survey of nearly 4,000 workers: the British Workplace Behaviour Survey 2008.
- Published guidance on positive action and on pay systems likely to encourage or discourage equal pay.
- Produced a report, Who Do You See? The survey followed a major survey into attitudes towards discrimination, equality and good relations within Wales, which identified significant persistent discrimination towards transgender people, Gypsies and Travellers, and those who use mental health services.
- Carried out an extensive programme of consultation and engagement to shape our equality scheme (5). This included involvement events for staff and stakeholders and a public online consultation. We held a series of independent externally facilitated New Voices involvement events with young people, transgender people, Gypsies and Travellers, faith groups, and people with learning disabilities, as well as representatives from more mainstream equality strands. Running parallel to our New Voices involvement events we held seven strand-specific workshops for equality experts.
- Our regular e-bulletin on our activity has 31,000 subscribers and RSS updates are available by strand.
- Worked with the government, European Parliament and Commissions on the European Equal Treatment Directive – consulting widely with stakeholders on proposed anti-discrimination measures in respect of goods and services on the grounds of age, disability, religion and belief, and sexual orientation.

### What we are going to do?

- Help local authorities engage with their good relations duties by spreading best practice on good relations in action.
- Help the police to use positive action to diversify their workforce.
- Continue to engage with the Ministry of Defence to tackle sexism, homophobia and racism, to try and achieve culture change in the armed forces.
- Complete our inquiry into the pay and conditions of agency and temporary workers in the meat and poultry processing sector.
- Develop a Kitemark™ to help companies tendering for public sector contracts to meet equality requirements.
- Publish a research report on 'integration in the workplace: emerging employment practice on age, sexual orientation and religion or belief', highlighting case studies from eight employers.

- Analyse and report on the impact of the recession on the protected grounds with the Department for Work and Pensions and the Government Equalities Office, producing recommendations for policy interventions.
- Continue to influence the shape of the government's pension reform package to ensure that the needs of those with low incomes, less stable working patterns, or low financial capability are able to participate in and benefit from new opportunities to save for their retirement.
- Work with Ofsted and the Higher Education Funding Council for England to ensure equality across all strands is effectively mainstreamed into monitoring and inspection frameworks, and informs judgements on performance to improve outcomes for protected groups, including LGB pupils and students.
- Produce guidance to support the effective delivery of the single equality duty in the education sector to tackle inequalities in educational outcomes for key groups including LGB pupils and students.
- Continue our policy and advocacy work on the EU equal treatment directive, which would extend protection against discrimination on the grounds of sexual orientation (and age, disability, and religion and belief) in access to goods and services.
- Survey sitting MPs on their Pathways to Parliament to complement the Speaker's Conference, making recommendations in the autumn on how people from under-represented groups can break into politics. We will follow this up by publishing a report in Spring 2010 on the experiences of candidates from under-represented groups in standing for selection and election.
- Carry out an assessment – Better Policy, Better Lives – of equality impact assessment practice within the Scottish government with a focus on health, housing and drugs policy development.
- Examine the impact of budget decisions made in Scotland in the context of the concordat between central and local government, looking at specific services for women, ethnic minorities and disabled people, and the application of the public sector duties.
- Review and evaluate current work on personal change programmes for the rehabilitation of offenders convicted of hate/targeted crimes to identify good practice and outline recommendations for a national programme.

## Human rights

Human rights are a set of shared principles and values that enable individuals, communities and societies to flourish. The promotion and protection of human rights is at the core of the Commission's vision and underpins our work on equality and good relations. Human rights provide a framework that defines how people should live together and treat one another. They provide protection from abuse of power, disrespect or neglect (particularly where there are no other legal safeguards) and they promote freedom and opportunity.

The Commission has a duty to enforce and promote human rights, to review existing law and practice, and to advise the UK government on what steps need to be taken to fully protect human rights in Britain. The Commission has the status of Great Britain's national human rights institution, which gives us a key role in engaging with the United Nations' human rights system.

## What has the Commission achieved?

- Used our statutory powers to undertake an inquiry on human rights and published a report and recommendations for future action.
- Considered around 30 enforcement or pre-enforcement compliance cases which relate to human rights.
- Intervened in a number of significant legal cases involving human rights, including the following:
  - R (Smith) v Secretary of State for Defence: The Commission intervened in the hearing between the mother of Jason Smith and the Secretary of State for Defence, to argue that armed forces personnel serving overseas should be protected by both Article 2 (Right to Life) of the European Convention on Human Rights (ECHR) and the Human Rights Act.
  - Van Colle v Chief Constable of Hertfordshire Police: The House of Lords agreed with the Commission's submission that Article 2 (Right to Life) of the ECHR imposes a positive obligation on public authorities, in this case the police, to take steps to protect a person's life in relation to a witness to a burglary who was intimidated and then murdered by the burglar.
  - R (JL) v Secretary of State for Home Office: This case explored the application of Article 2 (Right to Life). The Commission argued that the state has an obligation to carry out a prompt, independent and effective investigation of near deaths occurring in custody. The House of Lords held that an independent investigation should be carried out in respect of near deaths in custody which result in serious injury.
  - R (RJM) v Department for Work and Pensions: The Commission intervened in a House of Lords case which established that homelessness is a protected status under the Human Rights Act.

- Achieved ‘A’ status accreditation as a National Human Rights Institution, enabling us to participate in the United Nations Human Rights Council, and to undertake monitoring of the UK’s human rights obligations.
- Launched Ours to Own, a plain English guide to the Human Rights Act, looking at what human rights mean in the context of everyday life, how they have affected real people and why they are so important.
- Celebrated the 60th anniversary of the Universal Declaration of Human Rights with a family day at the British Library, a reception with speeches from the prime minister and Michael Wills, and participating in a debate on the rights of women.
- Submitted written and oral evidence to the Joint Committee on Human Rights’ inquiry on Business and Human Rights and participated on the Ministry of Justice’s private sector and human rights steering group.
- In partnership with the Welsh Assembly Government hosted the first Human Rights Summit in Wales with over 150 attendees discussing key challenges in putting human rights at the centre of public services.
- Promoted human rights at the National Eisteddfod of Wales.
- Helped to secure the extension of human rights to residents of publicly arranged private care homes.
- Supported the publication of a toolkit for advocates working in the health and social care sectors titled ‘Human Rights: a toolkit for advocates’, Action for Advocacy.
- Intervened in a House of Lords case in which it was held that an independent investigation should be carried out in respect of near deaths in custody that result in serious injury.
- Developed a programme with the Ministry of Justice to ensure that inspectorates and regulators integrate the Human Rights Act in their work.
- Opposed the provisions allowing a temporary extension of pre-charge detention limits to 42 days in the counter-terrorism bill, on the grounds that they could be contrary to human rights law and breach the Race Relations Act.

## What we are going to do?

- Promote the findings of the Human Rights Inquiry (HRI) for England and Wales.
- Develop a three-year strategy to implement the key recommendations and actions published in the HRI and mainstream human rights across the Commission’s work.
- Intervene in a number of cases that are to come before the European Court of Human Rights. This includes a case that raises issues about discrimination on the grounds of nationality and religion, and the impact of that discrimination on the right to marry.
- Explore the issues surrounding information privacy and human rights to develop the Commission’s expertise, understanding and profile in this area of work.
- Contribute to the government consultation, ‘Keeping the right people on the DNA database’, to strike a fair balance between that aim and the competing public interest of protecting individuals’ right to privacy in order to comply with the European Convention on Human Rights.

## What our plans mean for you

- Publish the Commission's response to the government's bill of rights green paper to lobby for any future bill of rights to strengthen human rights protection.
- Work with the Care Quality Commission to embed human rights into the care and support sector.
- Promote the benefits of a human rights approach to service providers in the public and private sectors by providing guidance and examples of best practice.
- Commission research to examine the rights of looked-after children.
- Support the effective implementation of UN human rights treaties in Britain and track Britain's compliance with its treaty obligations.
- Consult and gather evidence to produce independent shadow reports on CERD and the UN Convention Against Torture.
- Work in partnership with the British Institute of Human Rights, Oxfam and the Joseph Rowntree Foundation to evaluate the use of a human rights-based approach as a way to help people in poverty achieve policy change.
- Develop policy, consult with key stakeholders and make public recommendations regarding the introduction of a public sector human rights duty.

## Good relations

The Commission has a statutory duty to promote good relations, working with the public, private and voluntary sectors to address prejudice and discrimination, and to encourage integration and a sense of belonging.

The Commission aims to narrow the power, inclusion and integration gap and strengthen good relations by forging greater understanding between communities, reducing conflict and enabling individuals to reach their potential.

There is evidence of a lack of shared understanding, tolerance and respect of diverse cultures, beliefs and lifestyles, and a sense of marginalisation in some communities. We will work to promote understanding and positive attitudes to difference and diversity, increase participation and influence for diverse groups, and reduce hate crime.

## What has the Commission achieved?

- Published the Tackling Hate Together survey which examined how police forces, Crime and Disorder Reduction Partnerships and local authorities in north-east England work together to tackle disability, homophobic, racist, religious and transphobic hate incidents.
- Supported WALKTALK, a national event that aimed to bring together people who may otherwise never have met.(6)

- Published Calibrating Migration for a Global World, which reported that stated immigration has been largely beneficial to the UK's economy and has had little, or no, negative impact on the labour market.

## What we are going to do?

The Commission's programme of work in this area will continue to foster positive attitudes to difference and diversity within local communities. We will see our role as addressing conflict and tension between religion, faith and community, and understanding the causes of hostility towards different groups and how these vary between local populations to ensure equal participation in community life and greater community.

- Develop and carry out a programme of research to identify the key issues in the relationship between faith and secular communities.
- Hold a series of regional events in which conversations can take place to develop best practice in reducing tensions between protected groups, for example Do Human Rights come before Religious Rights?
- Conduct research to explore the impacts of the counter-terrorism legislation and relevant counter-terrorism policies on ethnic minority groups.
- Continue to develop our 'good relations barometer' to understand the causes of hostility towards different groups and how these vary between local populations.
- Host a series of workshops on religion or belief in civic life and hold inquiry hearings on the relationship between faith and secular communities in Britain.
- Produce guidance for public authorities who have employees who may be members of extremist organisations.
- Grant fund good relations projects that advance tolerance and community cohesion, in particular promoting greater understanding and acceptance of migrant groups.
- Hold a series of high-profile events recognising the contributions and developing leadership profile of specified under-represented groups, including Muslim women of all ages and disabled young people.

# Chapter 3

## Focus areas

### Public sector duties

Public bodies in England, Wales and Scotland are subject to the public sector duties (PSDs) that place on them a series of legal obligations. The duties are the Race Equality Duty, the Disability Equality Duty, and the Gender Equality Duty.

They are statutory duties, meaning that they are legally enforceable. All public bodies (like councils and hospitals) that are subject to the duties are legally obliged to pay 'due regard' to the need to take action on race, disability and gender equality.

In July 2008 the government announced plans to introduce a new single equality duty. This will cover all seven equality strands; namely race, disability, gender, gender identity, religion and belief, age, and sexual orientation. The duty will not come into force until 2011 so it is important that public bodies continue to meet their legal obligations under the race, disability and gender duties until this time.

### What has the Commission achieved?

- Pursued over 170 pre-enforcement actions relating to the public sector duties, requiring public sector organisations to take steps not just to eliminate unlawful discrimination and harassment, but also to actively promote equality.
- Launched new non-statutory guidance on the public sector duties on our website, providing practical support to public sector practitioners about processes such as impact assessments, collecting and using information, ethnic monitoring, consultation, partnerships developing objectives, producing a scheme, employment, and procuring goods and services.
- Produced sectoral guidance for different sectors such as health, education, local government and criminal justice.
- Worked with other regulators and inspectorates to assess whether public authorities are applying the public sector duty.
- Completed our first assessment under our new powers, assessing the Department for Work and Pensions and Jobcentre Plus compliance with the public sector equality duties.
- Played a key influencing role to ensure the inclusion of procurement as specific duty to ensure public bodies promote equality through use of purchasing power.

- Acted to ensure compliance with the public sector duties, in cases that demonstrate that they have meaning in the real world, for example:
  - Intervened in a case that resulted in a decision that restraint rules in a secure training centre violated the Human Rights Act.
  - Required the London borough of Harrow council to reassess the restriction of adult care services to people with critical needs.

### What we are going to do?

- Promote, monitor, report and enforce the implementation of the three existing public sector equality duties, and begin to support public bodies to prepare for the implementation of the new single public sector duty by delivering practical guidance and promoting best practice.
- Produce and promote guidance to increase awareness of public bodies of their obligations under the duties, specifically focusing on equality impact assessments, involvement and revisions to the disability equality scheme and gender equality scheme.
- Establish at least five agreements with regulators and inspectorates to ensure equality performance measures are embedded in their inspection frameworks and practice.
- Put the equality duties at the heart of public service delivery through promotion and enforcement, in particular pre-action work, compliance notices and formal assessments into public authorities' functions, policies and practices.
- Complete an s31 assessment into the extent to which the Scottish government complies with the public sector duties.

### Equality bill

The government's equality bill will rewrite the legislative framework for equality in Great Britain.

In addition to the Commission's statutory power to advise the government on equality legislation, as a regulator the Commission has a role in implementing elements of the new legislation. Furthermore, the bill is of considerable interest to many of our stakeholder organisations and those they represent.

We will produce codes of practice and guidance to support the bill to help businesses, organisations and individuals access the information they need and change their practices and culture.

### What has the Commission achieved?

- Concluded an initial consultation with stakeholders to find out what pieces of statutory and non-statutory guidance would be most useful.
- Committed to producing a minimum of four statutory codes of practice (on employment, goods facilities and service, education and the public sector duty) at least three months before implementation of the bill and we will also produce non-statutory guidance.
- Established an expert advisory board involving key stakeholders from a number of sectors to work with us through the production of guidance to ensure that it meets the needs of stakeholders.

## What our plans mean for you

- Ahead of the publication of the bill we brought together a number of issue and strand-specific groups to discuss their hopes and fears around the bill. These meetings ran from February 2009 and were a useful way of taking the temperature and building support ahead of bill being published. We have held meetings around:
  - race
  - age
  - equal pay
  - transgender, and
  - sexual orientation.
- The Disability Committee led meetings with disability stakeholders, particularly around closing the gap created by the Malcolm judgment.
- We will continue to hold meetings and roundtables with stakeholders on elements of the bill to understand our different positions and clarify other factors for implementation, such as the guidance.
- We are also in the process of establishing a stakeholder forum (Equality and Diversity Forum, Trades Union Congress, Women's National Commission, Race on the Agenda, and Disability Charities Consortium) to exchange ideas and ensure our approach is structured and coordinated.
- Provide briefings to parliamentarians and political parties.
- Develop a stakeholder engagement plan and establish a forum with the major equality umbrella groups to ensure support for the bill from key institutions within the public, private and voluntary sectors and trade unions.
- Produce statutory codes of practice and practical non-statutory guidance to support the implementation of the bill, through wide consultation:
  - Hold consultative meetings with key stakeholders including strand specific groups, business bodies (EEF and the Federation of Small Businesses) and trade unions on the proposals for the development of the non-statutory guidance.
  - Draft non-statutory practical, accessible guidance.
  - Draft statutory codes of practice on employment, goods, facilities and services, transport and premises, education, and public sector equality duties.
- Publish the statutory codes of practice and a suite of practical, accessible non-statutory guidance.
- Engage with the Welsh Assembly Government and the Scottish government consultations on specific duties in Wales and Scotland.

## What we are going to do?

- Continue to influence the content of the equality bill throughout its passage into law to ensure there is an emphasis on the proactive prevention and promotion of equality:
  - Work collaboratively with the Government Equalities Office to refine key legislative proposals.

# Chapter 4

## Domains of activity

People do not define themselves by only one aspect of their lives, and neither do we. Inequality doesn't usually work that way. So we take as our starting place the experience of inequality in Britain's business and workplaces, and in our health, social care, housing, education and criminal justice systems. A number of our projects and programmes reflect this approach.

### **Poverty and social inclusion**

Although the evidence on poverty and social exclusion is fragmented there is sufficient evidence to conclude that ethnic minority groups, women, disabled people, children, young people and older people experience poverty and social exclusion to a greater extent than other groups.

Our work in this area will focus on child and pensioner poverty, benefits and pensions, digital inclusion, access to advice, support and justice, and access to goods and services, for example housing.

### **Economy and the labour market**

One of the most important developments in the British labour market has been a pronounced increase in labour market flexibility and the level of earnings' inequality with profound socio-economic implications. Today, expectations of work far exceed the reality for many and employers are faced with major challenges of competitiveness in a global environment with increasingly demanding customers. People want a workplace that is flexible and understands outside commitments.

The evidence on equality in the economy and labour market is relatively extensive, albeit with some gaps. Certain ethnic minority groups, women, disabled people, and older people experience marked inequality in the economy and labour market, across a range of different measures. There is much less evidence about religion and sexual orientation, but what does exist highlights the discrimination and disadvantage experienced by Muslim and lesbian, gay and bisexual people.

The Commission's programme of work in this area will focus on issues such as unemployment, pay inequalities, occupational segregation, flexible working and fair treatment at work.

## **Health and social care**

Effective health and social care is central to the Commission's vision of delivering equality and human rights. The evidence that exists shows that ethnic minority groups, disabled people, vulnerable children and older people tend to have poorer health at the same time as poorer access to care.

The Commission aims to support the implementation of a sustainable infrastructure of care to ensure fair allocation of resources. We will implement the key proposals in our From Safety Net to Springboard report on social care reform and work closely with the health service to ensure they develop strategies to address inequalities experienced by particular groups.

Our work in this area will also seek to deepen and accelerate personalisation, choice and control in health, social care and employment through developing and influencing policy. This includes the care and support green paper, the welfare reform bill and the health bill, by initiating legal interventions, and by inputting to the Commission's grants scheme in particular in respect to independent advocacy.

## **Education**

The right to education is a universal human right set out by the United Nations. In the UK, that right is now seen as a right to an effective education. In other words, that doesn't just mean having an opportunity to go to school. It means that education and training providers should take account of learners' circumstances and needs in helping them to fulfil their potential.

Inequalities are all too evident in education. Ethnic minority groups, boys and disabled children have lower achievements than other children and are less likely to participate in post-16 learning than other people. Evidence suggests that schools and colleges could be more responsive to the needs of ethnic minority, disabled and women learners. However, there is little evidence on equality in early years' education or on sexual orientation or religion.

Through our Early Years, Life Chances and Equality review we will continue to advocate a fair start in life for every child through adequate pre-school provision. Furthermore we will promote equality goals within the Staying On education agenda, and publish research and recommendations on agendas for equality issues for young people not in education, employment or training and other at-risk or marginalised groups.

## **Public and political participation**

Ethnic minority groups are substantially under-represented among elected representatives in all spheres of government, as are women. In terms of voting, disabled people still face difficulty accessing a large proportion of polling stations. Strenuous efforts to increase the diversity of public appointments have resulted in some increases in the proportion of public appointees who are ethnic minorities, women or disabled, although they remain under-represented.

The Commission aims to achieve greater voice, access and participation in decision making for marginalised and excluded groups and improve representation in civic life and politics. We will commission research to identify the barriers to civic and political participation, and undertake pilot projects to influence practice in public appointments and political parties, and make recommendations on how people from under-represented groups can break into politics.

## **Crime and the criminal justice system**

When you deal with the criminal justice system – whether as a victim of crime, a witness in a court case or someone charged with an offence – you have the right to be treated fairly and without discrimination.

The criminal justice system plays an important role in tackling discrimination. The courts, police, probation and prison services are all part of this system. The courts also have a central role in hearing discrimination claims and deciding on remedies when claims are successful.

The Commission aims to secure improvements in the criminal justice system so that systematic discrimination is removed and respect for human rights is better promoted. This includes looking at equality strands within the police service and work with the National Offender Management Service. It will look at how the rights of people with mental health conditions or learning disabilities are addressed by the Criminal Justice System, the treatment of Muslim prisoners, achieving proportionate effects within the system, and at patterns of local provision and good practice for women who are exposed to violence.

# Chapter 5

## How we will deliver our functions and services

### **Information, advice and guidance**

The Commission has a key role in helping individuals to understand their rights and supporting them in accessing justice where appropriate. We will ensure that excluded groups, including people with learning disabilities and communication impairments, are aware of their rights.

This will be through targeted information and the development, evaluation and promotion of independent advocacy, advice and information through the Commission's grants scheme, and through training for independent advocates on human rights.

We produce publications, marketing material and run accessible and challenging media campaigns and events that take particular issues and highlight them in imaginative ways.

We will ensure all guidance produced by the Commission – online and offline – is accessible to disabled people in both language and format through establishing a quality control and scrutiny mechanism.

### **Our helpline**

We run national helplines in England, Scotland and Wales offering advice and information to anyone who wants to know more about their rights or responsibilities in relation to equality or human rights.

Our helpline, which has taken over 70,000 calls in its first year, is at the heart of what the Commission is here to achieve: promoting fairness for everyone in Britain and protecting people from discrimination. The helpline is our public voice and is a useful way of monitoring the issues that matter in our local communities.

Our helpline advisers are trained to deal with a variety of calls, from responding to requests for particular documents or information, to providing referrals to specialist legal advice.

The breakdown of calls by strand area is:

- sixty per cent: disability
- fifteen per cent: race
- ten per cent: gender, and
- fifteen per cent: age, sexual orientation, and religion and belief.

Human rights calls have increased significantly over the first 18 months.

Major themes emerging from calls include:

- disability: reasonable adjustments, discrimination in recruitment and harassment/poor treatment
- race: language in the workplace, general occupational recruitment, and Gypsies and Travellers

- gender: pregnancy discrimination, flexible working and equal pay
- religion and belief: dress-code policies, religious holidays and recruitment specific to a particular religion
- sexual orientation: use of facilities, harassment in the workplace and access to public services, and
- age: retirement age legislation, age-specific recruitment adverts and access to education.

We have carried out extensive consultation on a major restructure of our helpline to ensure it is fit for purpose. Following the restructure we will launch a major marketing and advertising campaign to promote the helpline, particularly focussing on new mandate areas where calls to the helpline have so far been low, for example sexual orientation and religion and belief.

## **Our website**

Our digital strategy, including our website, is one way in which the Commission provides information and guidance to individuals and organisations. We aim to ensure that our digital presence is accessible, cross strand in nature and reflective of the communities we serve.

During 2009/10 we will focus on developing our website structure and tools for engaging with users to ensure that all communities benefit and that we reach new audiences including those who do not traditionally engage with us.

We will develop a baseline picture of our users and the people we engage with so that we can assess the success of our digital strategy in reaching different groups. This will be used to inform future developments in our digital presence, including our website.

## **Our research and evidence base**

We commission, assess and publish research to help us become a respected source of evidence-based knowledge about equality and human rights.

We have carried out over 55 research projects covering all the equality strands in our remit but recognise that we need to continue to strengthen our evidence base across all the equality strands focusing in on the newer strands in our remit.

Of the research work we undertook during 2008/9 only a small proportion related to our transgender strand work. We will be publishing a literature review on transgender and equalities early in the 2009/10 financial year.

## **Legal enforcement**

Our regulatory functions stem from the Equality Act 2006 and include actions taken by the Commission which are aimed at ensuring that individuals and businesses comply with the law. This is not limited to formal legal enforcement action such as inquiries and investigations but is supported by a range of activities such as the provision of advice, guidance and education; the encouragement of good practice; the raising of general public awareness and understanding of problems; assisting individuals with problems; targeted awareness-raising to enable and assist bodies to comply; intelligence gathering, research and monitoring of trends; and action to prevent non-compliance and unlawful acts.

Information on our approach to compliance and enforcement can be found in our compliance and enforcement policy:

<http://www.equalityhumanrights.com/legislative-framework/>

## What our plans mean for you

### **Legal assistance and mediation**

Our legal strategy sets out the criteria we apply to determine whether, when and how we might use our legal powers and the priorities that we target for legal action. The basic criteria for the Commission's legal work are that the work will bring about positive change with maximum and lasting impact.

In relation to our proposed legal casework, the Commission will consider the facts and relevant circumstances of a potential case, the statutory powers and the criteria for all legal work undertaken (litigation and casework) to decide whether, how and by whom the Commission's desired outcome can be achieved most effectively.

### **Grant funding programme**

We have the power to allocate funding to other organisations to help them in projects and other kinds of work that promote equality, human rights and good relations. Through our funding programme we invite applications from voluntary and other sector organisations and assess each application to provide support to innovative projects. We fund organisations working in any of the equality areas covered by our remit.

Last year we awarded almost £11 million in grants to 285 groups across the country. We recognised that grassroots work was a really important aspect of our legacy Commission's role, helping to ensure our national messages are translated into action on the ground, especially in promoting community cohesion and delivering on our Good Relations remit.

Applications for grants received from organisations representing age, religion or belief, sexual orientation and transgender were low. There may be a number of reasons for low applications for grants from these equality areas, for example a lack of capacity for applying due to infrastructure, a lack of awareness of the grants programme, or the availability of alternative funding sources.

Grants made last year included support to:

- a project to bring together young Muslim boys and other boys through football in Aston
- supporting victims of domestic violence in Walsall
- supporting people with learning difficulties in Cardiff
- reducing conflict between young people from different communities in Peterborough
- helping to provide youth groups, over-50s clubs, and parent and baby groups in Dewsbury, and
- using theatre to give voice to marginalised women in the north-east.

In May 2009 we launched our new £10 million strategic funding programme to fund guidance, advice and advocacy; improve relations between different communities; and support legal advice and awareness of legal rights. We will look for projects that directly serve and involve individuals and local communities.

In developing this programme we were determined to move to longer-term funding streams to ensure organisations could move away from short-term projects and better develop the services they offer to local communities.

## **Working in partnership**

We have already begun to build networks of stakeholders across Britain and fully recognise it is important that we improve our communication with stakeholders and involve them more closely in our work. For example a number of our programmes will have advisory boards made up of external experts and Commissioners to help guide the work we do.

We have already taken a number of steps to strengthen relationships with stakeholders. In February we held strand-based roundtables on the new equality bill, and have developed the e-bulletin and website to provide more tailored information for different groups.

We aim to strengthen our links with the advice sector including the Legal Services Commission and Citizens Advice, and other key partners, to build a network of advice, guidance and advocacy centres across all the equality areas within our remit and ensure that our signposting and referral mechanisms are improved.

We also have a network of nine offices across the English regions that work closely with regional and local government offices as well as private, voluntary and community sector groups. This enables us to link local concerns and contexts into our work programmes and helps us to build a more accurate picture of the state of equality, good relations and human rights.

During 2009/10 we will:

- develop and implement a stakeholder strategy in support of the 2009–12 strategic plan to improve how stakeholders are engaged and involved in our work
- undertake an audit to provide robust data on current stakeholder views of the Commission against which we can measure progress
- establish a forum with the major equality umbrella groups to coordinate briefing and lobbying on the equality bill
- convene a stakeholder advisory forum to act in an advisory capacity for major projects to ensure stakeholders views are included in our policy development work, and
- host a series of single-cause (strand) and single-theme (for example education and health) conferences, each led by a stakeholder group and a major cross-strand conference to launch our triennial review.

## Endnotes

- 1** Racial Equality in Prisons: a formal investigation by the Commission for Racial Equality into HM Prison Service of England and Wales was published in 2003.
- 2** Implementing Race Equality in Prisons: A shared agenda for change was published by the Commission for Racial Equality in 2003. The action plan sets out changes and developments in the way HM Prison Service will work. This provides for monitoring and reporting systems which will make public the evidence as to what problems persist and what changes have been achieved.
- 3** Homophobic Hate Crime: The Gay British Crime Survey 2008 was produced by Stonewall and commissioned by the Equality and Human Rights Commission. The report explores the extent and nature of homophobic hate crimes and incidents in Britain. The purpose of the report was to fill the gaps in understanding of homophobic hate crimes within the criminal justice system.
- 4** The Staying On project is in response to the Education and Skills Act 2008 which means that from 2015 all young people will have to stay in some form of education or training until they are 18. Our focus is on ensuring those extra years in education count for all groups of young people, with a particular focus on those not in education, employment, or training, and 'at-risk' groups.
- 5** Our 2009–12 equality scheme was published on 1 April 2009. As a public authority, the Commission has legal requirements to promote equality in the areas of disability, gender, gender reassignment and race. Our first three-year equality scheme sets out how we will meet those legal requirements while also addressing the other areas of equality that we cover: age, religion or belief, sexual orientation, as well as human rights. We call this our single equality scheme as it reflects the Commission's full remit.
- 6** The 'WALKTALK' initiative was conceived by Gill Hicks MBE, a survivor of the 7 July 2005 London bombings, and developed with Zulfi Hussain MBE of Global Promise, and the team at Together for Peace.

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