

Facilitating cross-strand working

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Introduction

The current equalities landscape is complex. Government and service providers are now required to create policy that complies with:

- Six 'strands' of equal treatment and positive action legislation
- Welsh Language equal treatment provision
- Three duties to promote equality (race, disability, and gender)¹
- Human rights law and service provision standards
- And the duty to 'promote equality for all', unique to Wales²

The new Welsh Assembly Government *Single Equality Plan* specifically aims to exceed compliance. Instead, it intends the proactive and creative use of equality and human rights legislation to enable it to meet the commitments for health, education, social justice and employment, given in the government agenda *One Wales*. Thus equalities and human rights legislation is not viewed as onerous but employed as a route to the creation of policy and services that ameliorates embedded inequalities (Equalities Review 2007).

Recent research into the implementation of Human Rights Standards as the baseline for creating new policy finds:

.....conceptual links between human rights and equality, the report claimed that human rights can help fill gaps in equalities legislation such as the lack of protection for older people in relation to service provision. It suggested that there would be merit in implementing equality and human rights standards together, to avoid imposing new regulatory burdens (Department for Constitutional Affairs, 2007).

And yet there is no route map for managing all the "strands" or for bringing equality and human rights together in this creative process. Whilst the legislation for equal treatment is similar for all six 'strands', the origin and inequalities experienced between 'strands' are distinct, the

¹ The Race Relations (Amendment) Act 2000, the Disability Discrimination (Amendment) Act 2005, the Equality Act (2006).

² s.75 Government of Wales Act 2006

three equality duties differ in their aims and advice for compliance, and human rights standards are little understood or implemented. There has never been a method for equality mainstreaming for all.

How can we integrate the promotion of equality and human rights, and facilitate the increasing interest to work cross-strand so that we might address ‘the whole person’? To be successful any method must overcome the competition that has arisen between ‘strands’ as a result of the legacy of single stand legislation, and it must deal with the tendency of equal treatment legislation to imply that all ‘strands’ must be treated the same as each other. While academics, policy makers and regulatory bodies have begun to consider the need for an integrated approach and made suggestions as to elements required (Zappone 2001, Yuval-Davies 2006, Verloo 2006), no method has ever been tested.

This discussion paper provides an overview of a unique project undertaken in Wales, funded by the Welsh Assembly and the Equality and Human Rights Commission (EHRC) in 2007, which was designed to try to understand how to facilitate the promotion of equality and human rights, cross-strand. We offer this brief description of our learning, as a guide to carrying out an evidenced based mainstreaming process that moves beyond compliance.³ We explain why we advocate a multi-strand approach rather than cross-strand and provide recommendations for the facilitation of future multi-strand working.

That this ground breaking work has been begun in Wales should be celebrated. We hope that sharing our learning will inform and support other administrations, equality commissions, and service providers throughout the world. The Welsh Assembly Government’s Equality and Human Rights Division welcomes comment and looks forward to working with them to build upon these initial steps towards promoting equality for all.

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On behalf of the Multi-Strand Evidence Panel

³ The full report can be obtained from the Equality and Human Rights Division of the Welsh Assembly Government.

Creating the right conditions for cross-strand working.

Project Design

The research design itself was created to facilitate cross-strand working. Elements of it are crucial to creating an environment in which all can contribute.

The first and most essential step is to set up the project in such a way that it facilitates collaboration. Therefore, we chose to bring policy officers for each of the equality 'strands', the Welsh language, and human rights, together as an Evidence Panel (EP).

Their task was to work through an established evidence based gender mainstreaming process (Rees and Parken 2002, 2003), carrying out a 'hands on' evaluation of inequalities in a policy field. This enabled the researchers to assess how the principles and tools of mainstreaming might need to be altered to encompass the different "strands". The panel chose to focus their enquiry on unpaid, informal carers in Wales.

A founding principle of the research design, and of future working with cross-strand Evidence Panels, was to avoid the hierarchy between 'strands' created by legislative imbalances. Thus we afforded all 'strands' equal prominence at the outset by taking the Welsh mainstreaming equality duty as our benchmark.

Issues of representation.

When recruiting an Evidence Panel to facilitate cross-strand working it is important to secure both equality knowledge and policy knowledge. This can be done in two ways. Firstly, advertise for panel members who have expertise in the policy area under consideration as well as knowledge of inequalities in the policy field.

For example, the particular knowledge brought to our Evidence Panel of the way in which social care services are organised in Wales, led us to understand an inadvertent consequence of this, namely that 'young carers' can slip through the system so that very few receive a carer's assessment. To explain, a Carer's Assessment, is undertaken by adult

social services as it is generally adults who provide unpaid care. To provide a carer's assessment for a child involves triggering a full 'child in need assessment'. This form of assessment may be resisted by parents as it is perceived to be a rather more intensive and intrusive process than is needed to assess whether provision of respite care might, say, allow the child to attend basketball practice after school one evening a week.

Secondly, the evidence based mainstreaming process works best when 'equality makers and policy makers' work together throughout the investigations; finding and owning the data and research findings; working together on solutions. We were able to replicate this to some extent in our short project through interviews with lead policy officers for carers in government, local government and with service providers but for future projects it would be better to have policy officers fully involved in the evidence gathering processes.

Following a recruitment exercise using a skills and knowledge audit, the following organisations provided representatives for the Evidence Panel: Age Concern Cymru, Commission for Racial Equality, Cytun - Churches Together in Wales, Disability Rights Commission, Equal Opportunities Commission, Office of the Children's Commissioner for Wales, Stonewall Cymru, the Welsh Language Board, and a human rights advisor from the Equality and Human Rights Commission.

Race, gender and disability have had statutory bodies enforcing rights and advocating on their behalf, whereas the 'newer' 'strands' have relied upon advocacy from the voluntary sector, leading to different organisational priorities and practices between the "strands". Having representatives from both sectors, allowed the project's action researcher to study these differing organisational approaches to promoting equality, and stakeholder engagement, as well as assessing points of conflict between 'strands', and between equality and human rights.

In order to facilitate the involvement of voluntary sector organisations in engagement, consultation and projects such as this, it is important to cover their costs. Each voluntary sector organisation received an amount that covered travel and provided a contribution towards the time

they invested in the project, not only attending EP meetings and evidence gathering sessions but for background work, which included gathering data, and providing summaries from strand and cross-strand perspectives, and presenting findings to the group.

However, we were conscious that there were gaps in our representation - gaps that will be replicated on future panels unless advocacy groups can be facilitated and the EHRC builds capacity in these areas. For example, there are no organisations expressly constituted to advocate for equality in employment, training and education or the provision of goods and services on the grounds of religion and belief in Wales. Cytun, Churches Together in Wales, stepped into this breach. Cytun is a small organisation that champions equality within the various Christian churches and has established links to the Inter-faith Council/Forum.

Similarly, there is no organisation lobbying for transgender equality in Wales. We began with a representative from the Wales Refugee Council who had to withdraw due to lack of capacity and pressure of work in their own organisation. We also sought and failed to obtain an advocate or policy maker for poverty and social class issues.

Other issues to consider when seeking representation, include the need for training on all “strands” - learning about how inequalities play out for ‘strands’ other than their own was rated by the panel members as one of the most valuable learning points from the project. Training across the equalities spectrum also assists with accounting for diversity within “strands”. As an example of this, we acknowledge the contribution of the panel representative from the Office of the Children’s Commissioner in Wales, whose presence prevented us from limiting our consideration of age to the experience of older people.

In summary, the right project design is crucial to enabling successful cross-strand working. Attention needs to be given to who can take part (time and resources considerations), who they represent and how, the supply of data in a user friendly ways, and in particular what facilitator and training support is needed.

Training and facilitation for cross-strand working

When establishing cross-strand working through use of evidence panels it is vital to discuss, within any group of advocates from the equality 'strands' and human rights, their differing perspectives about what inequality is and how change might be made. The panel undertook such training in the initial set up meeting and in subsequent sessions.

Firstly, the group outlined their areas of skill, knowledge and experience in relation to equality. They then drew up a set of ground rules for working together. These included active listening, allowing all voices to be heard by ensuring all had time to contribute to the discussions, agreeing that all Evidence Panel members would treat each with respect, which included being able to challenge and disagree, and that the group would aim to work to consensus.

Secondly, we undertook a workshop in which we identified which "strands" perceive inequalities as requiring individual remedy where discrimination occurs, and which "strands" address inequalities as factors that shape the lives and choices of members of a group in a systemic fashion. It is important to know these differences as they affect the collection and analysis of data and lead to differing sets of recommendations.

Thirdly, we discussed the merits of the varying equality and human rights theories and practices (equal treatment, positive action, managing diversity, mainstreaming or human rights), and established which approaches were being employed by each strand.

Further, the training explored the different origins of inequality within different "strands". For example, the maintenance of gender inequality - the division of labour which structures who works where and under what conditions in the labour market (Rees 1998, 2005), and who provides unpaid care in the working age years, is different in origin to race inequalities, disability inequality etc. This training enabled the panel to acknowledge these differences so that we could avoid treating all the 'strands' the same. It also means that the 'additive approach' of cross-strand working, which has been widely critiqued (Crenshaw 1993, Yuval-Davies 2006) for overriding differences between 'strands' by starting with

one strand and then adding on others, will not produce real understanding and suitable equality outcomes.

Therefore, through our work together we have begun to articulate a *multi-strand* approach to integrating the promotion of equality and human rights. To explain, we began, as described above, by affording all 'strands' equal weight in the investigative processes. Thus the project design and the attendant training ensured that we avoided beginning with one strand and then adding on others. Instead, each strand retained its distinctive integrity and was not 'collapsed' one into the other.

By applying this method to the analysis of a policy field, we avoided beginning with 'strand' issues, and by investigating a policy field from all angles of inequality, we are able to prioritise from the evidence base as well as make recommendations that would be to the benefit of *multi-strands*'. To be able to prioritise when faced by competing lobbying voices is essential for government and service providers. Government must therefore use methods such as *multi-strand mainstreaming*, so that they know what inequalities are created or sustained by the ways in which policies and services can constrain or enable.

The mainstreaming method and illustrative findings

To overcome the tendency of 'strand issues or themes' to determine the focus of equality work, we set out to use data and research about the six 'strands' of inequality, welsh language, and human rights to analyse the workings of a policy field and subsequent service delivery.

Thus from the beginning, the programme of work was designed to be proactive and investigative, seeking to understand how to improve services by understanding existing inequalities. In this vein, the Evidence Panel chose the policy field they wished to investigate, after being supplied with a synopsis of policies in each of the portfolios. Working collaboratively, as they perceived a relevance to all 'strands' and human rights, they chose to examine the situation of unpaid informal carers. Unpaid carers contribute £3.5bn annually to Wales' economy (WAG 2006).

In brief, the 5 step mainstreaming method devised by Rees and Parken (2003) is as follows. It is illustrated here by interleaving some of the data findings from our project:

- 1) *Equality expertise is used to identify areas of inequality ripe for investigation.* For example, our panel chose Social Care. In practice this 'identification' happens when equality lobbyists or the EHRC bring matters of concern to government attention. However, this tends to be strand based equality 'issues' rather than a focus on the policy field, and the policies and practices within it. Beginning with an examination of a policy field, and investigating it from the perspective of all 'strands' and human rights, overcomes a narrow focus on one strand or another, and over time could provide a framework for systematic enquiry into all policy areas.

- 2) *Map the equality dimensions of the policy field* - collection, collation and analysis of quantitative and qualitative data for all 'strands', noting data omissions. We used raw data: large data sets such as the Census of Population, Labour Force Survey, DWP and local authority figures showing who is providing social care (public, voluntary or private sector providers) and in receipt of Carer's Allowance, respectively. We examined the current policies affecting unpaid carers, including the Carers Strategy (2000), the stated ambition of new policies and live consultations on new policy (for example *The Beecham Report 2005* - on creating citizen centred public services, and *Fulfilled Lives 2006*, a new social services strategy respectively). We examined the operation of the Unified Assessment Process and the Carer's Respite Grant. We invited policy leads to give evidence to our panel and to answer questions. We examined existing research from the commissions or lobbying groups and found this tended to be 'strand' or issue based policy research, and whilst valuable, did not attend to diversity within "strands" or provide a multi-strand picture.

Once collated, data summaries are used as the basis of stakeholder engagement to ensure a rounded picture of service users, and their experience of service use. We were unable to

undertake consultation in our time limited project but we did identify the different individuals, groups, stakeholders and organisations that should be consulted in this policy field.

Following our data analysis we were able to identify who Wales' carers are, leading to an understanding of who might be more likely to provide unpaid care in the highest category of hours detailed in the Census, 50+ hours per week. These are: older people - generally retired, in the working age population - women, and in higher proportion to their number - disabled people. For race, sexual orientation, religion, transgender and the welsh language, evidence coalesced around barriers to service take up. For example, the idea that minority ethnic groups 'look after their own' - a myth recently exploded by WAG research (2003) detailing the barriers inherent in service design which prevent some members of ethnic minorities from taking up carers services. Human Rights approaches to equality do not use this evidence based process and so we began to question the relevance of the mainstreaming approach. However, once the inequalities in the field were demonstrated through data, it was found that human rights remedies might be applied. Thus the process is a method for integrating the promotion of equality and human rights.

- 3) *Visioning*. Based on the findings, visioning involves asking ourselves what we can do to make transformative change by creating policy or services that will promote equality and human rights. At this point in our project, there was a danger that some 'strands' would dominate as quantitative data was available for some but not for others, and of being overwhelmed by the volume of information and thus unable to make decisions. This proved not to be the case. A collation of the issues raised showed connections between 'strands' and afforded insight into common solutions.

For example, it became clear that better use of Direct Payments, and the take up of Individualised Budgets (at that time being piloted by the UK government in specific areas), would enable a

better choice of carers services and choice of carer and might facilitate payment for family members who had given up work or downgraded hours to provide care. It was clear that good flexible working arrangements would help women, older and disabled people maintain attachment to the labour market by allowing them to combine work and care.

Further, a number of 'strands' had difficulties with language barriers and issues of cultural sensitivity. These included lesbian, gay and bisexual people who found themselves unrepresented in carers assessment forms and policies which talked only of heterosexual nuclear families and did not recognise that they may often rely on friendship rather than kinship networks (the new Carers Action Plan 2007 is now inclusive in terminology); there are language issues for older people who are bilingual but have English as a second language who may revert to Welsh as memory use changes and for whom having a respite carer who can speak Welsh may be essential, and for those without English language skills (whether Welsh or from ethnic minorities) there is a tendency to call upon community members to act as interpreters when explaining their care needs to social services – this does not protect the dignity of the person - revealing personal details in front of strangers – worse children with better language skills are often asked to provide translation. Thus without collapsing the findings by strand - common solutions emerged which made the process manageable and linked together 'strands' of inequality and human rights - through the 'visioned' solutions.

- 4) *Road-testing*: this involves checking our proposed actions for change for intended consequences. We can draw upon the insights of the same stakeholder groups identified at data gathering (step 2 above) by presenting our findings and asking for their views of how proposed policy will work in practice – will it attain the anticipated outcomes? The Evidence Panel are also an excellent conduit to wider consultation and engagement – they understand the findings and the proposed solutions.

The use of cameos and vignettes in road-testing is also a method for reaching intersectionality. This involves putting ourselves in 'someone else's shoes' to see if the proposed solution works for different people in their complex situations. Basic cameos are easy to put together. Our panel, for example, were asked to consider how their proposals would affect "a divorced disabled welsh speaking man living in rural Wales with two children", or on "a single, older woman living in Cardiff who works part time and cares for 30 hours a week", or "a Muslim student living in Bangor, caring for his father". For each we consider accessibility and inclusion, available time, income, childcare and transport to be able to access the service/ education/ employment/ or visit to advice bureau, benefits agency, doctor etc. - noting that accessibility and inclusion operate differently for each.

- 5) *Monitoring and Evaluation*: Mainstreaming is an ongoing and evolving learning process. Evaluation measures are intended to assist with review and redesign for improvement in policy and practice. Measuring outcome is vital too and for this we recommend the development of equality indicators. Equality indicators are the measurement of improvement in inequalities which lead to attainment of overall equality goals.

So, for example, in relation to unpaid carers, how many carers who are women of working age, older people or disabled people have been recruited and retained in good quality jobs through employment support, including flexible working arrangements and provision of respite care? Significant improvements in these areas might enable the UK government to reach its stated overall aim of 80% employment by 2010.

Findings and Recommendations for Multi-Strand Mainstreaming

1) Project design and Training

The legacy of single strand working can be overcome by the correct method of working. The evidence based mainstreaming process, incorporating 'strand' voices working collaboratively, is capable of integrating the promotion of equality and human rights. Beginning with examination of a policy field and using the equality "strands" and human rights as points of analysis facilitates multi-strand working. It also avoids conflict or competition between 'strand' issues and provides for prioritisation.

Equality and Human Rights mainstreaming, *multi-strand*, requires 'equality makers and policy makers' to work together. This proactive, investigative method requires careful set up, and facilitated training to enable panels to agree ground rules for working together, to understand 'strand' inequalities other than their own, to enable them to attend to the diversity within 'strands', and to identify key policy and practice intervention points. This method can be used in the current work being undertaken within the Welsh Assembly Government to create a Single Equality Scheme and action plans

It requires training and facilitated support on supplying of data, evidence gathering and evaluation techniques, analysis and synthesis of data and research, and stakeholder engagement. We found distinct approaches between the statutory and voluntary sector bodies in their strategies for consultation. Some undertook very little consultation, and others, mostly the 'newer 'strands'', the DRC and the Children's Commissioner being involved in on-going engagement with their various stakeholder groups.

2) Data

Differences of approach to addressing inequality between the "strands" were demonstrated in the data gathering processes. For example, advocates for gender, age and disability were more able to access quantitative data which revealed how these factors increase the

propensity to become and remain a carer and how poverty and poorer health can result. Whilst for race, welsh language, sexual orientation and religion, qualitative sources had to be drawn upon and evidence was limited to issues of access and having services provided in culturally appropriate ways.

However, it is important to remember that members of the latter group will also be of a gender, have an age and may or may not be disabled so that we can bring together both structural inequalities and issues affecting the respect and autonomy of the individual.

For multi-strand working it is vital to be aware that sometimes lack of data can prevent us from reaching this broader understanding of the links between individual and structural inequalities for some “strands”. By bringing together such data provided the panel with a rounded picture of the ‘whole person’ from both the group and individual perspectives of multiple inequalities, and includes a human rights perspective.

We also established that large data sets do not currently facilitate meaningful enquiry into all ‘strands’ (i.e. no Census data on sexual orientation at all, and no correlation for members of minority religious groups who might be carers), or provide for intersectional insights (no Census data immediately available to show the gender, or age of the 15.3% of disabled people who provide 50+ hours a week of unpaid care for someone else). Understanding the impact of multiple inequalities impacting upon the person is not something that can be understood from quantitative data sets.

We concluded that the required rich insights into experience, necessary for intersectional working, can only be attained through qualitative research techniques. Such research techniques are often undervalued but findings must be attended to where methodologies are robust.

We note that the Equalities Review (2007) recommends a “cross-cutting government review of current data needs as a fundamental and necessary starting point if government and the devolved administrations are to properly analyse, understand and address inequalities. We welcome this recommendation, and this work will be greatly assisted in Wales by the founding of the Welsh Assembly Government Equalities

Evidence Database. However, it is important to be mindful of the little organisational history of interrogation of data from an equalities perspective. As we have recommended above, trained researchers, equality experts, and policy makers need to work together, undertaking the mainstreaming method described.

3) Multi-strand Working.

It was vital to have representatives of all strands at our table, bringing differing perspectives and insights from their knowledge and experience. However, we did observe competing voices in our work together. This is due to the legacy of silo-ed single strand working, the relative scarcity of time and resource for equality, and whilst there is enthusiasm for cross-strand and intersectional working, there is also fear that this might lead to loss of impact for each strand.

As we have described and illustrated multi-strand working, we have a method for retaining strand integrity, value and voice, whilst also being able to prioritise.

Select Bibliography.

- Equalities Review (2007) *Fairness and Freedom: The Final Report of the Equalities Review*
- Ministry of Justice (2008) *The Insight project*, Ministry of Justice Research Series 1/08,
- Rees, T. (1998) *Mainstreaming Equality in the European Union*, London: Routledge
- Rees, T. and Parken, A. (2002) *Mainstreaming Equality: The things you really need to know but have been afraid to ask...* Manchester: Equal Opportunities Commission pp. 14 (Welsh and English) ISBN 1-84206-091-0 also on EOC webpage <http://www.eoc.org.uk>
- Rees, T and Parken, A (2003) *Gender Mainstreaming in the Malta Public Service: The Gender Impact Assessment Project*, Final report to the Department for Women in Society, Ministry of Social Policy
- Rees, T (2005) 'Reflections on the uneven development of gender mainstreaming in Europe' *International Journal of Feminist Politics*, Vol. 7, No.4, pp. 555-574
- Welsh Assembly Government (2000) *Carers Strategy*, Welsh Assembly Government, Cardiff.
- Welsh Assembly Government (2003) *Challenging the myth: access issues for BME carers in Wales*, Welsh Assembly Government: Cardiff
- Welsh Assembly Government (2007) *Carer's Strategy, Implementation Action Plan*, Welsh Assembly Government: Cardiff.
- Welsh Assembly Government (2006) *Fulfilled Lives, Supportive Communities*, Welsh Assembly Government: Cardiff.
- The Beecham Report (2006) *Beyond Boundaries*, Welsh Assembly Government: Cardiff.
- Verloo, M (2006) 'Multiple Inequalities, Intersectionality and the European Union', *EJWS* Vol, 13 (3), 211-228
- Yuval-Davies, N. (2006) 'Intersectionality and Feminist Politics', *EJWS* Vol, 13 (3), 193 – 210
- Zappone, K. E. (2001) *Charting the Equality Agenda: A Coherent Framework for Equality Strategies in Ireland North and South*, Equality Authority and Equality Commission for Northern Ireland