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### Abbreviations

DVLA	Driver and Vehicle Licensing Agency
EHRC	Equality and Human Rights Commission
EIA	Equality Impact Assessment
PSED	Public Sector Equality Duty
NEETS	People not in employment, education or training
PQQ	Pre-qualifying questionnaire
RCT	Rhondda Cynon Taff
SEP	Strategic Equality Plan
WLGA	Welsh Local Government Association
WS	Written Submission

The views expressed in this report are those of the authors and do not necessarily represent the views of the Commission. The Commission is publishing the report as a contribution to discussion and debate. The full report can be found at <http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-wales/public-sector-equality-duty-wales-2014>

**ISBN: 978-1-84206-549-5**

## Foreword

In 2013 we commissioned NatCen to undertake an independent evaluation of the Public Sector Equality Duty (PSED) in Wales. Our aim was to gather and analyse data in order to produce a report on how Welsh public authorities are meeting their general and specific duties under the Equality Act (2010). This report presents the findings and examines the impact of the PSED. It has allowed us to measure progress and capture how the PSED is acting as a catalyst for change.

We are pleased that a range of organisations across Wales, both devolved and non-devolved, have taken part in the research and would like to thank everyone who participated. This has assisted in demonstrating how the PSED is working effectively in Wales. We are encouraged that throughout the report there are case studies of where the PSED has improved outcomes for service users and staff. These case studies can be used by others and adapted for their own circumstances.

The research has also enabled us to identify and understand challenges faced by public bodies in meeting the PSED. We look forward to exploring, with individuals and organisations, the solutions that have been suggested in this NatCen report.



**Ann Beynon**, Commissioner for Wales

**Kate Bennett**, National Director for Wales

July 2014

## Key Findings

- The value of the PSED was described, by participating organisations, as:
  - raising the profile of the equality agenda;
  - providing a clear structure and focus for equality work;
  - promoting cultures of inclusivity, fairness and respect.
- The Welsh specific duties were valued by listed and non-listed bodies for providing clarity about what needed to be done to implement the duty.
- All participating organisations could provide at least one example of evidence demonstrating progress related to the general duty. More typically organisations could give more than one example.
- Greatest progress had been made in putting in place the foundations to do equality work. There was also some evidence of progress directly related to outcomes for service users and staff.
- This study found no evidence of under-compliance. Compared to other research on the English specific duties this study also found more limited evidence of over-compliance, which is doing more than required as a result of a lack of clarity in guidance.
- Key challenges for participating organisations arose from the insufficient signposting and sharing of practical information. This would help organisations know that they are approaching the PSED in the best way and avoid duplication of effort.

# Executive Summary

## Aims, Methods and Sample

This report presents the findings of a review of the implementation of the Public Sector Equality Duty (PSED) in Wales. The purpose was to assess the progress in relation to the requirements of the duty, highlight successful outcomes and identify any barriers to implementation.

In all **52 individuals from 44 organisations** took part. The report is based on:

- **35 individual written submissions** via a secure website;
- **26 in-depth telephone interviews** to explore issues in more detail.

## The Value of the PSED

Participating organisations identified a number of ways in which the PSED added value to their equalities work.

This '*added value*' of the PSED was identified in relation to the **general duty** by:

- Raising the profile of the equality and diversity agenda;
- Helping to mainstream equality and diversity issues;
- Giving equality activities a clearer structure and focus;
- Providing a single but more inclusive remit than previously;
- Helping to embed a culture of fairness, dignity and respect in the workplace.

The **Welsh specific duties** were thought to support and help progress on equalities work in ways additional to the Great Britain-wide duties by:

- Providing greater clarity than under the English specific duties about what needed to be done, thereby reducing the likelihood of under compliance or the tendency to over-comply<sup>1</sup> due to uncertainty about what compliance meant;
- Highlighting and clarifying through implementation and practice the best types of training needed to comply with the general and specific duties;
- Ensuring that equality and diversity was fully integrated into service planning and organisational decision-making through the requirement to conduct equality impact assessments.

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<sup>1</sup> By over-compliance we mean that, rather than indicating a commitment to the PSED and the promotion of equality, organisations did more work than the minimum required to comply with the general duty because of what was regarded as ambiguities in the requirements of the duty and associated risks of litigation. For research on the English specific duties, see Arthur, S., Mitchell, M., Graham, J. and Beninger, K. (2013) *Views and Experiences of the Public Sector Equality Duty (PSED): Qualitative research to inform the review*, London: Government Equalities Office (p.27).

For **non-listed bodies** the Welsh specific duties acted as a useful model for equalities work because they:

- Provided clarity, rigour and corporate focus for how to conduct equalities work;
- Were regarded as best practice;
- Helped align their work with listed partners in Wales.

## Evidence of Progress

Evidence of progress could broadly be assessed in terms of:

- Progress to support the implementation of PSED;
- Progress leading to improved outcomes for service users or staff.

Overall a great deal of progress had already been made in both areas; however, most progress had been made in establishing the processes necessary to support the implementation of the PSED.

## Progress in Supporting the Implementation of the PSED

It is clear that a great deal of progress had already been achieved in meeting the Welsh specific duties. We found that:

- All listed bodies had established SEPs, equality objectives and action plans and were in the process of implementing them; non-listed bodies also developed SEPs or drew on aspects of this way of planning equality objectives.
- Overall, consultation and engagement with service users were thought to be more frequent and better than prior to the PSED. Organisations described ways in which employee networks or groups were expanded or consulted about new developments more frequently.
- Equality impact assessments were being widely used to make a difference to service delivery. They were also being consistently reviewed to make them more user-friendly, more evidence-based and more proportionate.
- Progress was being made in putting in place systems for comprehensive and consolidated data gathering on protected characteristics of service users.
- Processes had been put in place to improve data collection and equal opportunities monitoring in relation to staff.
- Organisations demonstrated steps they had taken to review and address the gender pay gap, although reviews were sometimes still on-going.

- Training was being used to promote knowledge and understanding of the PSED and that also served to support service improvement. It has also created more and new training opportunities for staff to learn about equality and diversity issues.
- Steps had been taken ensure that appropriate procurement processes were being put in place but knowledge of these processes or their effectiveness was not as good as in other areas.

## Progress on Outcomes

### Overall improvement

- All participating organisations could give at least one example of something they had done that would make a difference in relation to the general duty. More typically organisations could give more than one example.
- There was also evidence of work that was anticipated to make a difference in the future.
- There was evidence of participating organisations addressing all three aspects of the general duty, though fewer examples of work fostering good relations and reducing unlawful discrimination compared to promoting equality of opportunity.

### In relation to **protected characteristics**:

- There were good examples of progress being made in relation to age, sex, race, disability and sexual orientation.
- There were fewer examples that had made a difference related to gender reassignment and religion or belief, which reflected difficulties organisations reported experiencing in engaging with these populations.
- Some organisations described important work that they thought was needed to address inequalities that did not fit neatly under the protected characteristics (e.g. those not in education, employment, or training (NEETS); and negotiation of a living wage for contracted out staff).

### By **sector**:

- There was variation on the amount of progress across sectors but all sectors were moving forward in meeting the general and Welsh specific duties.
- Greatest progress was evident among participating listed organisations in local government, education and health sectors.
- Other listed bodies had not always made as much progress compared to these sectors but were nonetheless moving forward by putting in place equalities infrastructures.

- Non-listed bodies had also undertaken a great deal of work and in some cases were as far forward as listed bodies.
- Outcomes for staff and service users: Some organisations had moved beyond investigation of inequalities through equal pay audits and reviews to begin to address the reasons for gender and other pay differences such as gender stereotypes and role segregation in employment.
- Participants felt that staff were better supported by equality and diversity specialists and therefore more confident taking an inclusive approach in their work.
- Initiatives to support the health and well-being of staff had been introduced, including initiatives to address domestic abuse and mental health.
- Some organisations had taken steps to ensure that their staff profile better reflected diversity in the local community by encouraging under-represented groups to apply for jobs and promotions.
- Equality impact assessments had been used to improve service delivery and to mitigate the effects of resource reductions.

## Factors underpinning progress

A range of factors underpinned the amount of progress made across different organisations. This included:

- A strong existing equality and inclusivity ethos supported by strong senior management leadership and an active involvement in supporting work related to the PSED.
- A high level of knowledge about how to address the PSED at a practical level.
- Wide ownership of the equality and diversity agenda, especially in organisations with limited or reduced capacity to undertake such work.
- Finding an appropriate balance between short-term 'quick wins' and longer-term programmes of work.
- Sufficient resources to undertake all aspects of the PSED.
- A continued focus on the PSED despite other competing priorities and negative narratives and media coverage.

## Challenges and improvements

- Organisations wanted greater practical information and support to be sure they were implementing the PSED in the most effective proportionate way. For example, through the EHRC's Equality Exchange Network and better provision and signposting of online resources.

- Challenges to gathering equality monitoring information arose due to the need to improve the quality of data and systems. There were further concerns about the sensitivity of data collection and its usefulness where data on some protected characteristics was incomplete. Participants would welcome guidance from the EHRC on responding to these issues. Awareness raising and public reinforcement of the importance of collecting and analysing equality data would also be helpful.
- There was concern that as the PSED became more embedded there was a risk of over-burdening members of the public, staff and voluntary organisations by repeatedly asking for their views. There was a strong desire to share information collected as part of consultations, EIAs and information gathering in order to avoid this.
- The ability to ensure that contractors met their obligations to the PSED was also difficult. This was particularly the case where contractors had a monopoly on a particular service or where the requirements were seen by contractors as burdensome in relation to the size of the contract. Ensuring clarity and raising awareness of the PSED would be helpful.

## **Who we are**

The Equality and Human Rights Commission aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights.

## **Contact us**

Please contact the Commission in Wales for further information about the Public Sector Equality Duty in Wales, or visit our website:  
[www.equalityhumanrights.com/wales](http://www.equalityhumanrights.com/wales)

Email: [wales@equalityhumanrights.com](mailto:wales@equalityhumanrights.com)

Telephone: 029 2044 7710