

Protecting and promoting equality and human rights

Wales Review 2013 / 14

Wales Work Plan 2014 / 15



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Equality and
Human Rights
Commission

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Contact Us

The Equality and Human Rights Commission has a remit to reduce inequality, eliminate discrimination and promote and protect human rights.

This report and more information can be found at:

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Welcome

Last year we asked people to work with us, and with each other, to strengthen the equality and human rights agenda in Wales.

We have been really encouraged by the energy and determination that individuals and partner organisations have brought to this task. Together we have strengthened equality and human rights in a number of key areas.

The EHRC wants to generate a better understanding and appreciation of the value of human rights across Wales. Human rights are for everyone, but some people may be more likely than others to find their human rights under threat. We have spoken with public authorities about the need to uphold human rights in health and social care settings. Many public bodies are tackling hate crime.

Evidence from our research and monitoring of the Public Sector Equality Duty shows it is becoming a catalyst for improving public services, with a sharper focus on the needs of all members of the community. There is still a long way to go on the road to a fair Wales. Who runs Wales? shows that during the last ten years there has been almost no progress in getting women into decision-making roles.

We have been privileged to work with colleagues from the public, private and third sectors to consolidate the equality and human rights gains that have been made. Partnership working underpins everything we do. It is the key to reducing entrenched inequalities and human rights abuses.

We look forward to working with you in the year ahead to protect and promote equality and human rights for all.

Ann Beynon
Wales Commissioner

Kate Bennett
National Director Wales



The Wales Committee

The Wales Committee sets the strategic direction for the Commission's work in Wales. This is based on knowledge and insight gained from the hundreds of people the Committee meets each year. The Committee has a formal responsibility to advise the Welsh Government on equality and human rights.

The Committee's voice ensures our work across Britain takes account of the distinctive approach to equality and human rights here.

The Committee brings people together to exchange ideas, develop shared agendas and to forge partnerships.

The Wales Committee has now completed its journey around the country. It has held meetings in every local authority area across Wales. Committee members met with, and listened to, people from Haverfordwest to Ebbw Vale, and from Barry to Anglesey. Senior public service and private sector leaders, front line volunteers and equality campaigners told the Committee about priorities in their localities.

Topics discussed this year include the impact of welfare reform, access in town centres and the need for quality legal advice.

'Listening to and understanding the views of people helps us ensure that we are connected to communities across Wales. This means that everyone's views are reflected in the work of the Commission.'

'We have been fortunate to be hosted by many public bodies over the past 7 years. This enables us to build strong and productive partnerships across public service to build a fairer Wales.'

Ann Beynon
EHRC Wales Commissioner



Wales Committee in Flint

Ann Beynon OBE is the Commissioner for Wales and chairs our Wales Committee. Ann is Director for British Telecom in Wales.

Rev Aled Edwards OBE is Chief Executive of CYTŪN (Churches Together in Wales).

Dilys Jouvenat has wide experience of working in the public sector and is currently the Equality and Diversity Manager for Rhondda Cynon Taf Council.

Karen Dugate is Chief Executive of Merthyr Tydfil Housing Association.

Marie Brousseau-Navarro is regarded as a world leading expert on Welsh law and devolution and is Managing Director of Your Legal Eyes.

Meryl Elmusrati is a Programme Manager for the Welsh Government's Flying Start programme in Flintshire.

Mona Bayoumi is a Barrister specialising in human rights and asylum and immigration based at the Civitas Law Chambers.

Saleem Kidwai OBE is Secretary General for the Muslim Council for Wales, an Honorary Fellow of Cardiff University and a qualified accountant.

Siân Gale is a Director of Cwmni Pawb specialising in training, research and evaluation for the creative industries as well as community organisations and trade unions.



Ann



Aled



Dilys



Karen



Marie



Meryl



Mona



Saleem



Siân

Using the Public Sector Equality Duty to drive change

The EHRC is the regulator of the Public Sector Equality Duty (PSED). Our regulatory approach is to work with public authorities to encourage, guide and monitor activity on the duty. Research conducted by NatCen and our monitoring of the duty concluded that:

The PSED is working effectively in Wales and should be retained.

The Welsh specific duties are supporting and helping progress on equalities work. Public authorities that are not devolved, such as Police Services, are working to the spirit of the Welsh specific duties.

The PSED is a catalyst for change.

All major public bodies in Wales have been able to demonstrate how the PSED supports work to eliminate unlawful discrimination, promote equality and foster good relations. The PSED has raised the profile of the equality and diversity agenda, helping to embed a culture of fairness, dignity and respect. Sharing effective practice has been identified as key to improving implementation of the PSED.

The PSED is being used to influence and scrutinise the way public bodies behave.

Third sector organisations have used the PSED to raise the profile of specific issues and to highlight where budget reductions could have a disproportionate impact. The PSED is increasing transparency and accountability. In particular the publication of Equality Impact Assessments is assisting campaigning organisations to hold public authorities to account for their decisions.

Opportunity for the Welsh Government to enhance its leadership.

Welsh Ministers have a specific duty to publish a report on how devolved public authorities in Wales are meeting their general duty. Our monitoring and research will inform the report. It must set out an overview of the progress made by public authorities. It must propose ways of increasing co-ordination to drive improvement.

‘Domestic abuse, mental health, the gender pay gap and equality impact assessments are all important issues as part of our agenda and I certainly think that we need to continue raising those as an Assembly’

Peter Black AM
Welsh Liberal Democrats

Putting the duty into practice

Our PSED monitoring shows that public authorities are using the public sector equality duty to help improve services. We are working with organisations to share effective practice.

Betsi Cadwaladr Health Board developed a “Putting Human Rights at the Heart of Nutrition and Hydration” toolkit for staff to help ensure patients, particularly older patients, are treated with dignity and respect.

Cardiff Council carried out an impact assessment of the Families First Programme and identified a potential lack of play provision for disabled children and responded to meet the shortfall.

University of South Wales tackled the gender pay gap by introducing new career pathways to assist more women reach senior levels. As a result more women reached Professor and Reader level.

Mid and West Wales Fire and Rescue identified people with mental health conditions as being at particular risk from house fires. They are working with Local Health Boards to share data and enable mental health nurses to risk assess houses as part of a preventative strategy.

Snowdonia National Park Authority has an action plan (in partnership with other National Parks) - the Mosaic Project - to improve access and attract more people from black and minority ethnic groups.

Welsh Ambulance Services NHS Trust engaged with LGBT people and this highlighted the need for health services to recognise their partners.

Cardiff University monitored data relating to students, religion or belief. This is being used to provide support to students, for example, to Muslim students when Ramadan falls during the exam period.

Public Health Wales involved transgender health service users in a campaign to raise awareness of available screening services and to increase the knowledge of NHS staff.

RCT Homes refurbished a sheltered housing unit for older people and moved tenants to temporary accommodation. To support the needs of a tenant with dementia they moved her to a flat with exactly the same footprint as her permanent home.

Promoting human rights at work

Public service employers have an important role in supporting the human rights of staff. Employers have adopted policies to support staff experiencing domestic abuse or who have a mental health condition. Some people may feel excluded from workplaces because of their religious belief.

Preventing violence against women

Our guidance on domestic abuse workplace policies has been updated to include all forms of violence against women. In partnership with the Welsh Government, we held events in Colwyn Bay and Cardiff to explain how organisations can put policies in place to support staff. Our participation at housing events has enabled us to reach this key sector.

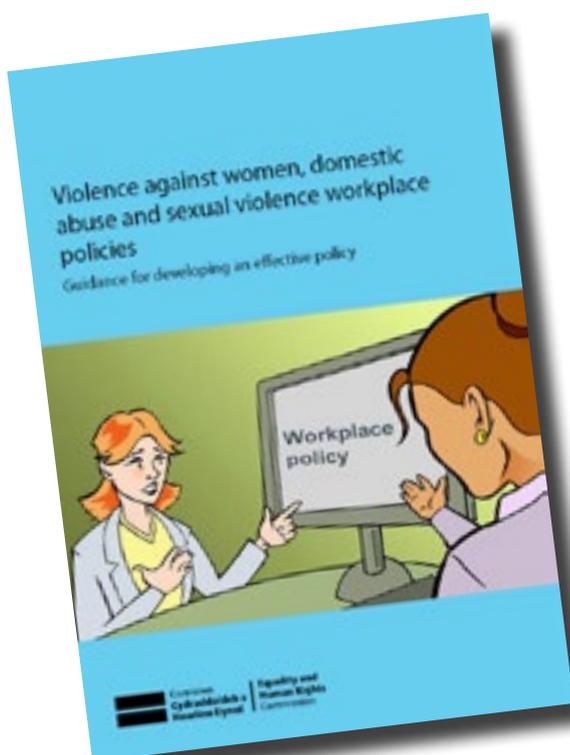
The Ministers for Local Government and Housing wrote to organisations advising them to implement policies based on our guidance.

As a result, all major public organisations - including councils, NHS Local Health Boards and Trusts, police services and housing associations - have developed or reviewed policies. Over 500,000 staff are now covered by these. They are helping to secure the safety and wellbeing of public service employees across Wales and they are helping employers to retain good staff.

In partnership with the Chartered Institute of Personnel and Development, we produced domestic abuse guidance tailored towards businesses. Welsh anchor companies, such as Cassidian, are now implementing this.

‘Research has shown 1 in 4 women and 1 in 6 men experience domestic abuse at some point in their life. It is likely, therefore, all workplaces will have staff who are affected by abuse as well as those who are perpetrators. It is vitally important we have an effective policy to ensure staff feel safe and supported in trying to address the issues.’

Lesley Griffiths AM
Equalities Minister



The PSED in practice

Carmarthenshire Council's partnership with Women's Aid and the Domestic Abuse Forum supported 315 people, 116 at court. Monitoring alarms were fitted for 76 people and 164 people benefitted from home safety improvements to protect them from violence.

Mental health in the workplace

We worked with Airbus in Broughton to learn more about its approach to supporting employees with mental health conditions. In partnership with local health providers, Airbus developed an onsite service for employees to maintain their health and wellbeing and tackle the stigma of mental health. This led to mental health sickness absence reducing from 25% to 12%. We are sharing this approach with other employers through our toolkit to improve effective practice throughout Wales.

We spoke to over 130 organisations at the 'Let's Talk' conference organised by Mental Health Matters and Bridgend Business Forum. Employers are now using our top ten tips to support staff with mental health conditions and to create a more motivated and productive workplace.

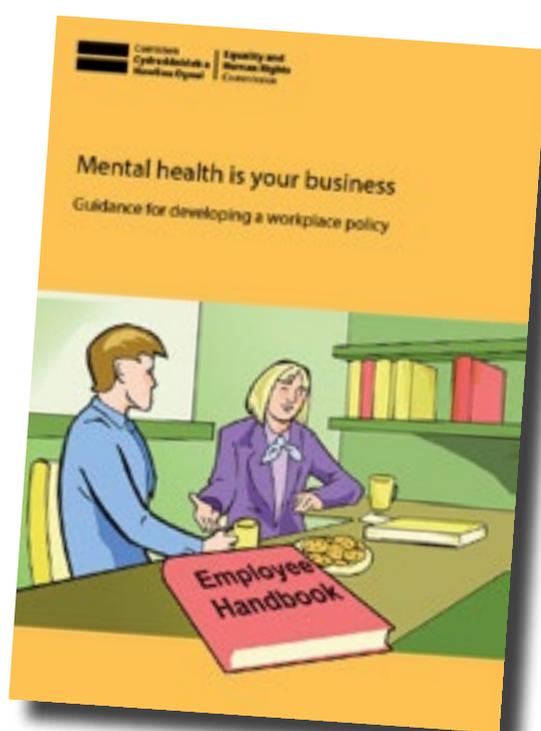
We have developed partnerships with Public Health Wales and the Corporate Health Standard to extend the reach of our mental health toolkit.

Religion at work

We have launched a call for evidence to collect first hand experiences from individuals and organisations about how their religion or belief, or that of other people, may have affected them in the workplace and in using the services and facilities they need in everyday life.

We are exploring what guidance is needed to assist employers to support people with different religions in the workplace. A better understanding of religion can help employers to attract and retain the best possible staff. It will help to ensure that people are not excluded from the workplace and are able to reach their full potential.

To gain an understanding we held discussions with religious groups in Wales, such as the Interfaith Forum, the Hindu Council for Wales and Jewish representatives. Muslim women spoke to us about their experiences. This will guide us in tackling the barriers to accessing jobs and prospering in the workplace.



Understanding the links between inequality and poverty

In 2011 we published *How Fair is Wales?* setting out the greatest inequalities in Wales. A key finding is that socio-economic disadvantage is interwoven with inequality based on individual characteristics such as disability or ethnicity. So we worked with partners to look at how these inequalities interrelate and can be tackled.

Equality Exchange

Our Equality Exchange has members from 160, largely public sector, organisations. They are mostly equality and human resource practitioners. Their work is focussed on promoting equality and human rights in employment and services. Members share effective practice at regional events.

Third sector representatives met with Equality Exchange members to explore the difference that service users want to see as a result of the Public Sector Equality Duty. Procurement and equality staff worked together to see how the Procurement Duty could promote equality.

Our Equality Exchange Conference in 2013 focussed on inequality and socio-economic challenges in Wales. The conference worked on gaining a better understanding of how inequality and poverty link together. Huw Lewis AM, then Equality Minister, spoke about introducing a socio-economic duty in Wales.

The conference encouraged people working on equality to understand poverty better and those working on poverty to understand equality better - such as by recognising that disabled people and lone parents (90% of whom are women) are much more likely to be living in poverty.

Our workshops shared examples of action taken to address both inequality and poverty. The National Offender Management Service described how some lone parents were struggling to attend weekly intervention meetings because they lacked childcare. When a crèche was provided attendance went up and the chance of being sent back to prison was reduced.

Equality Exchange Conference 2013



'I urge the Minister to assess the ways in which you can work more closely with the EHRC in order to support people living in poverty, and to develop not a strategy but a meaningful way forward that actually does alleviate socio-economic disadvantage for all groups in Wales.'

Janet Finch-Saunders AM
Welsh Conservatives

Exploring inequality and poverty in education

We took a closer look at the relationship between inequality and poverty and its impact on educational attainment.

We wanted to focus on the situation in schools as educational attainment is such an important gateway to future success. To explore this we welcomed the opportunity to partner with Swansea Council.

Our aim was to find out if it is possible, and desirable, to have a single approach to improving educational outcomes for pupils who have multiple needs. For example, many children with Special Educational Needs also live in socio-economically disadvantaged families.

We looked at how these inequalities interrelate and whether these pupils were in danger of falling between two strategies – the equality strategy and the poverty strategy.

An emerging theme was that too many strategies can be unhelpful, with some in danger of being undermined by others. A single strategy encompassing inequality and poverty and focussing on **inclusivity, capacity building and changing culture** was felt to be achievable and desirable - including specific interventions for individual pupils. The report of this work can be found on our website.

The table below demonstrates the variation in educational results.

Swansea Average Attainment

Key Stage 4 Level Threshold with English/Welsh and Maths

2009/12	2011/13	
54%	55%	all pupils
58%	59%	girls
51%	52%	boys
13%	16%	looked after children
60%	61%	pupils not receiving free school meals
25%	27%	pupils receiving free school meals
66%	67%	pupils with no SEN
14%	16%	pupils with SEN and action plus
15%	19%	pupils with SEN statements
89%	100%	Chinese pupils
51%	61%	Bangladeshi pupils
47%	59%	Black Caribbean and African pupils
54%	54%	White pupils

Protecting human rights for all

The Commission's role is to ensure that human rights are a reality for everyone. Our aim is to protect and promote human rights in Wales so that people are treated with dignity and respect.

Annual Human Rights Lecture

Professor Swaran Singh, Board Member of the Equality and Human Rights Commission, delivered our Annual Human Rights Lecture this year. It was hosted by the University of South Wales to coincide with International Human Rights Day.

The lecture focussed on the societal causes - such as isolation, discrimination and exclusion - of mental ill-health. Professor Singh set out how poor mental health can be seen as a symptom of wider difficulties that some people face within society.

The lecture illustrated how mental illness has a huge impact on individuals, carers, communities and society as a whole. Help is often not sought or is delayed because of a combination of stigma, lack of awareness and poor accessibility of services.

Professor Singh suggested that a public debate about mental ill-health is both necessary and urgently needed if society is to protect the rights of people with mental health conditions and ensure everyone receives the care needed.

The PSED in practice

Velindre NHS Trust reported that as a result of engagement hospital gowns have been redesigned.



Professor Swaran Singh

'We are pleased to be working with the Equality and Human Rights Commission to highlight International Human Rights Day.

We look forward to hearing Professor Singh's thoughts on what we all can do to ensure that people with mental health conditions are having their human rights respected.'

Professor Julie Lydon
Vice-Chancellor
University of South Wales

Using the law

Over 50 legal advisors from CABs, trade unions and the third sector attended our accredited discrimination law courses in Cardiff and Wrexham. Evaluations showed participants felt better able to identify discrimination in the workplace and assist individuals to access justice. We are monitoring the impact of the course on advisors' work.

In West Wales 27 front-line advisors joined a one-day 'taster' course and asked for a full course in the area.

We supported a gay couple in a Supreme Court appeal which resulted in the court ruling that a bed and breakfast owner's religious beliefs did not entitle them to discriminate because of sexual orientation.

We intervened in a case brought by several disabled claimants in which the Court of Appeal overturned the Government's decision to close the Independent Living Fund.

We provided advice to the National Assembly on human rights in relation to the Social Services and Housing Bills and to Parliament on legal aid reform proposals and the Anti-Social Behaviour, Crime and Policing Bill on the use of stop and search powers.

Our role as a National Human Rights Institution

We presented shadow reports to the relevant treaty bodies on the UN Convention Against Torture and the UN Convention on the Elimination of All Forms of Discrimination Against Women. The majority of our recommendations and concerns were reflected in the concluding observations of both UN Committees. This will form the basis of future work with government departments.

We met with two UN Special Rapporteurs during the year. The Special Rapporteur on housing, Raquel Rolnik, took verbal evidence from us on the social housing situation in Wales.

The Special Rapporteur on Violence Against Women, Rashida Manjoo, visited Wales and met with the Commission. She expressed a serious concern regarding any shift from gender specificity to gender neutrality in terms of combating violence against women.

This has informed our advice to the Welsh Government about the Gender-based violence, domestic abuse and sexual violence (Wales) Bill.

Using evidence to reduce inequalities

We have given advice and provided evidence to assist the Welsh Government in understanding the impact of budget decisions. In addition, our evidence and recommendations led to partnerships determined to tackle hate crime and to tackle the gender gap in decision-making.

Advice to Welsh Government on equality impact assessment of the budget

We encouraged the Welsh Government to consider the needs of all sections of society when setting its budget. We advised the Government to focus on the impact of key strategic decisions. Understanding the cumulative impact of budget decisions on people is complex but essential.

Jane Hutt AM, Finance Minister, said:

‘We made a commitment to work with EHRC Wales to conduct an Appreciative Inquiry of the Welsh Government’s approach to the Equality Impact Assessment of its Budget. The Inquiry included a series of recommendations for the Welsh Government to consider. Welsh Government welcomed this report and the recommendations have been reflected in our EIA of this Budget.’

Tackling hate crime

The Commission’s Disability-related Harassment Inquiry was central to the Welsh Government’s decision to develop a framework to address hate crime based on disability, race, religion, sexual orientation or sexual identity. Framework actions include raising awareness of hate crime, as some people do not realise the abuse they have suffered is a crime, and increasing reporting. Other actions focus on challenging stereotypes to promote greater understanding of different cultures, backgrounds and lifestyles.

We are working with the Welsh Government and criminal justice agencies to follow up our Inquiry and ensure our recommendations are put into practice.

The PSED in practice

Wrexham Council has developed 41 community-based third party reporting centres at housing offices to make the reporting of hate crime easier, prevent repeat crime and enable support to be provided.

Who runs Wales?

Our Who Runs Wales? 2014 report looked at key areas of Welsh life to assess the gender balance at decision-making tables. The results showed that almost no progress has been made over the past decade in getting more women into positions of power and influence in Wales.

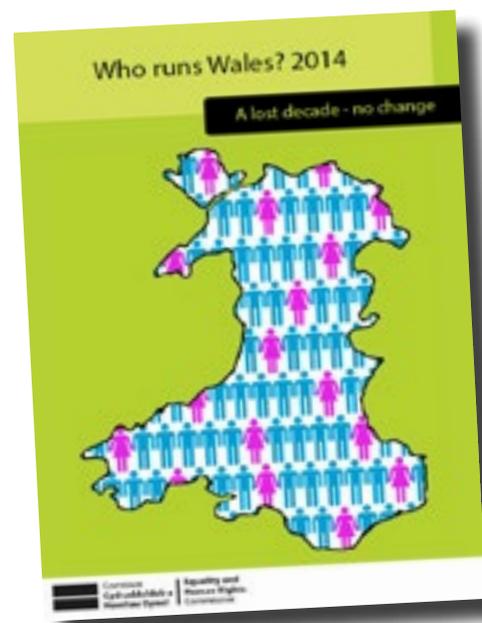
In March 2014 we found that:

- Ten years ago, 29% of NHS Trust Chief Executives in Wales were women, but today only 10% of our Local Health Boards and Trusts have a woman in charge
- Ten years ago 14% of our Council Leaders were women but today the figure is 9% and only 27% of Welsh councillors are women
- 0% of the eight Police and Crime Commissioners and Chief Constables in Wales are women
- A survey of 100 top companies operating in Wales found only 2% have women chief executives

Who runs Wales? highlights a wider failure to ensure our corridors of power reflect the diversity of Wales and include people from under-represented groups, such as ethnic minority and disabled people.

Action has begun to address the situation. Some organisations in Wales have set improving the diversity of senior managers as a priority. Sport Wales is implementing a plan of action to get more women into decision-making.

Our Wales Commissioner, Ann Beynon, is leading a 50:50 by 2020 initiative with Chwarae Teg and with Laura McAllister, Chair of Sport Wales. The aim of achieving gender balance in decision-making by 2020 is gaining the support of private, public and voluntary sector leaders, as well as politicians.



‘The findings of Who runs Wales? are disappointing although perhaps not very surprising. From a promising position 10 years ago it is clear to see that Wales has slipped behind in terms of gender equality.’

Leanne Wood AM
Leader of Plaid Cymru

The future of equality and human rights in Wales

The Commission provided advice to Welsh Government and to the Commission on Devolution about the most effective ways to secure the future of equality and human rights in Wales.

Strengthening the relationship with Welsh Government

We signed a Concordat with the Welsh Government that outlines the guiding principles of co-operation between us in working to promote equality and tackle discrimination in Wales. The Concordat was signed by then Welsh Government Equality Minister Jeff Cuthbert and EHRC Chair Baroness Onora O'Neill when the Commission's Board met in Cardiff.

Jeff Cuthbert AM, then Equality Minister, said:

'The Welsh Government has repeatedly stated the need for the EHRC to have a strong and distinct presence in Wales. I am pleased to sign this Concordat, which further strengthens the relationship between the Welsh Government and the Commission in Wales. The Concordat provides a robust framework for an effective working relationship between us.'

'The Commission and its Wales Committee have been a source of authoritative advice as well as acting as a critical friend.'

Advice to the Silk Commission on Devolution

We gave evidence to the Silk Commission on Devolution in Wales, which is reviewing the powers of the National Assembly for Wales. Our three key recommendations to the Silk Commission for the way forward on equality and human rights in Wales are:

- The National Assembly should be given powers to build on equality and human rights legislation including the Equality Act 2010 and the Human Rights Act 1998.
- The National Assembly should be given full primary legislative competence in relation to the Public Sector Equality Duty, and
- The National Assembly should be given competence to strengthen its relationship with the EHRC.



Baroness Onora O'Neill & Jeff Cuthbert AM

Assembly Committee points the way forward

This year, the National Assembly's Communities, Equality and Local Government Committee conducted an inquiry into the future of equality and human rights in Wales. We gave evidence to assist the Committee in determining what it considers the best way forward for the equality and human rights agenda in Wales. The Committee's recommendations include;

- The Welsh Government should seek primary legislative competence for the National Assembly in relation to the general public sector equality duty
- The Welsh Government should explore the potential for establishing a more explicit link between the specific public sector equality duties and the Government of Wales Act 2006's inclusivity clause.
- The Welsh Government should consider funding specific EHRC work, especially around the monitoring and enforcement of the equality duties in Wales.
- The Welsh Government should clearly align its anti-poverty and equality strategies ahead of the introduction of any new socio-economic duty.
- The Welsh Government should seek further powers in the field of equality and human rights to build on the Equality Act 2010 and the Human Rights Act 1998.

The PSED in practice

Anglesey County Council addressed decreasing take-up of free school meals by introducing a 'no money' approach to payment of school dinners, reducing the stigma of disadvantaged children not paying in front of other children.

'The Committee would like to see a stronger, more formal relationship between the EHRC, the Welsh Government and the National Assembly. We believe there is a case for the Welsh Government to fund the EHRC's work in monitoring and enforcement of equality duties in Wales's public sector.'

Christine Chapman AM

Chair of the Communities, Equality and Local Government Committee

We will build on our Concordat with the Welsh Government, and our work with the Commission on Devolution, to promote and progress the strong and distinct equality and human rights agenda in Wales.

We will:

- Advise Welsh Government, National Assembly Committees, Members and Welsh MPs**
- Work with public services to ensure the PSED achieves positive outcomes by guiding, encouraging, monitoring and following-up our 2013 evaluation**
- Increase access to equality and human rights advice through our discrimination law courses**
- Improve Welsh workplaces and share effective practice**
- Develop and promote the evidence base including updating How Fair is Wales?**
- Sharpen the focus on equality by explaining the links between protected groups and poverty**