

EVIDENCE SUBMITTED BY THE BEVAN FOUNDATION

TO THE

NATIONAL ASSEMBLY FOR WALES COMMUNITIES, EQUALITY
AND LOCAL GOVERNMENT COMMITTEE

INQUIRY INTO THE FUTURE OF EQUALITY AND HUMAN RIGHTS IN
WALES

Introduction

1. The Bevan Foundation welcomes the opportunity to submit evidence to the Committee's inquiry. The Bevan Foundation is an independent think-tank that believes Wales should be a fairer place. It is funded primarily by research commissions, and in addition has a modest income from membership subscriptions.
2. The Foundation has undertaken a great deal of research on aspects of equality in Wales, including research for the Equality and Human Rights Commission itself as well as organisations concerned with specific protected characteristics such as Disability Wales, RNIB Cymru, Age Cymru and Chwarae Teg. It has also undertaken extensive research on poverty, with clients and funders including the Department for Work and Pensions, Joseph Rowntree Foundation and Age Alliance Wales.

Functioning of the Public Sector Equality Duties

3. The general public sector equality duties are extremely important tools for reducing the considerable inequalities experienced by people in Wales. The Wales-specific duties add value to the general duties by ensuring public bodies have specified equality objectives and a strategic context for their equality activity. Crucially, they also allow the Welsh Government to require public bodies that it funds to address specific equality issues of concern in Wales, such as the gender pay gap.
4. Eradicating discrimination and advancing equality are extremely difficult tasks. The 'duty' approach is not perfect. Our review of research evidence on

equality in Wales undertaken for EHRC in 2008¹ suggested that compliance by public bodies with their then equality duties was, at best, patchy and evidence gathered in early 2012² suggested that there had been little subsequent change, at least in respect of disability, with too many bodies adopting a 'tick-box' approach.

5. The new public sector duties introduced by the Equality Act 2010 arguably streamlined the requirements on public bodies as well as being more effective ways of eradicating discrimination and advancing equality than their predecessors. As the new duties only commenced in 2011 with just 12 months since public bodies were required to publish their equality objectives and plans, it is too early to reach conclusions about the effectiveness of the public sector equality duties relative to their administrative "burden".
6. The current review of public sector equality duties includes the specific duties in its terms of reference, and says that it will "take account of the different Specific Duties and implications for the Devolved Administrations and specific evidence arising from their experiences". The Welsh Government needs to be assured that full account of the specific duties in Wales is taken, and that the review has effectively engaged with and gathered evidence from a wide range of stakeholders in Wales.
7. The Bevan Foundation supports the Welsh Government and EHRC's proposals to the Silk Commission that the National Assembly for Wales should have primary legislative powers in respect of equality duties. It may be that other, additional action is required to complement the public sector equality duties in due course.

The Equality and Human Rights Commission in Wales

8. The Bevan Foundation has been pleased to work with the Equality and Human Rights Commission in Wales on a number of issues of shared interest.

The link between poverty and equality, and the socio-economic duty

9. Levels of poverty in the UK and in Wales are high, with about 1 in 5 of the population as a whole living in households whose incomes are less than 60% of the median after housing costs (currently £215 a week, adjusted for

¹ V. Winckler (ed.) (2008) Equality issues in Wales: a research review. EHRC. Available at: http://www.equalityhumanrights.com/uploaded_files/research/11_equality_issues_in_wales_-_a_research_review.pdf

² V. Winckler (2012) The Employment Rate Challenge: An agenda for action for older people and disabled people in Wales. Available at: <http://www.equalityhumanrights.com/wales/projects/how-fair-is-wales/employment/>

household type).

10. There is a strong relationship between protected characteristics and living in relative income poverty. Table 1 shows that in the UK all protected groups except pensioners were more likely to live in low income households than the population as a whole. Relative income poverty is twice as high amongst lone parents and people from Pakistani / Bangladeshi and Black Non-Caribbean ethnic groups than amongst the rest of the population.
11. The socio-economic equality duty recognised that socio-economic disadvantage was an extremely powerful cause of inequality in society. Recent reports for EHRC^{3 4} show that in Wales socio-economic status sometimes has **more** impact on outcomes than protected characteristics, e.g. in educational attainment, life expectancy.
12. The Bevan Foundation welcomed the inclusion of the socio-economic duty in the 2010 Act and was disappointed that the UK government decided not to commence that part of the Act. With socio-economic inequality increasing and at a time of cuts in public spending it is extremely important that public bodies at the very least do not discriminate against people on low incomes and at best take active steps to eradicate inequality.
13. The National Assembly for Wales already has legislation on an aspect of socio-economic inequality, in the form of the provisions on child poverty in the Children and Families (Wales) Measure 2010. However the socio-economic duty is both broader in scope and arguably more powerful than this Measure in that it applies to the whole population not just children, it refers to inequality rather than just income poverty, and would require public bodies to have 'due regard' to reducing inequality in their policies and decisions rather than publish a strategy.
14. The Bevan Foundation supports the Welsh Government's and EHRC's submissions to the Silk Commission, which argue that the National Assembly for Wales should have full competence over the socio-economic duty of the 2010 Act in respect of devolved public bodies. That said, our view is that if the socio-economic duty was commenced either in Wales alone or in Britain as a whole, considerable further work would be required to improve clarity, to ensure effective implementation and to monitor compliance.

³ EHRC (2011) How Fair is Wales? Available at:

<http://www.equalityhumanrights.com/wales/projects/how-fair-is-wales/>

⁴ EHRC (2012) An Anatomy of Economic Inequality in Wales

<http://www.equalityhumanrights.com/wales/publications/anatomy-of-economic-inequality-in-wales/>

Table 1 Risk of relative income poverty for individuals with protected characteristics, UK, 2010/11

Group of People	Percentage of people in households with incomes below 60% of median income*
Ethnicity	
White	20
Mixed	36
Asian and Asian British	42
Indian	30
Pakistani / Bangladeshi	55
Black and Black British	41
Black Caribbean	32
Black Non-Caribbean	47
Chinese and other	38
Disability	
All non-disabled people	21
Disabled people	23
Disabled children	27
Disabled adults of working-age	31
Disabled pensioners	14
Age	
Children	27
Working Age Adults	21
Pensioners	14
Gender	
Males, working age	21
Females, working age	22
Lone parents	41
Male pensioners	13
Female pensioners	15
ALL PEOPLE – UK	21
ALL PEOPLE – WALES	22

Source: Department for Work and Pensions (2012) Households Below Average Income, 2010/11.

* income adjusted for the type of household

Accountability for Equality and Human Rights Legislation

15. The Bevan Foundation recognises that there are considerable anomalies in the current accountability of EHRC to UK Ministers and the equality responsibilities of Welsh Ministers. The Welsh Government's proposals to the Silk Commission appear to be sensible.