

## Communities, Equality and Local Government Committee

Inquiry into : The future of equality and human rights in Wales

Response from : Diverse Cymru

**Respondent's name:** Ele Hicks, Social Policy Officer, Diverse Cymru

### **Organisation Background**

Diverse Cymru is an innovative new organisation in the Welsh Third Sector, created in recognition of the realities faced by people experiencing inequality in Wales.

Diverse Cymru promotes equality for all. We believe that we can work together to challenge discrimination in all its forms and create an equitable future for the people of Wales.

Diverse Cymru aims to make a real difference to people's lives through delivering services that reduce inequality and increase independence; supporting people to speak for themselves and to connect with decision makers; creating opportunities for participation and development; raising awareness of equality issues; and inspiring people to take action against inequality.

Our current services include direct payments, self directed and independent living support, befriending and advocacy. We produce information resources, run a service user involvement project and co-ordinate volunteer placements. We facilitate forums and groups that work on various issues, from improving disability access to equality impact assessments. We provide consultancy services and deliver a range of training courses on equality related topics.

We are happy for our response to this consultation to be published.

We would welcome the opportunity to present further evidence and/or answer queries in relation to the information contained in our response below.

### **Response to the terms of reference of the inquiry**

#### **How well the specific public sector equality duties are functioning in Wales**

1. Diverse Cymru feel that the specific public sector equality duties provide a clear and strong focus for public sector organisations to understand some of the steps and necessary work involved in making progress towards achieving the general public sector equality duty.
2. In particular the duty to produce and report progress against Strategic Equality Plans and Objectives are helping to ensure that all departments within larger public sector organisations have to focus on equality in at least some of their daily tasks.
3. However we note that in many public sector organisations many departments rely entirely on the equality officer to achieve their objectives and some overlook these objectives in their daily work until it comes to compiling the annual report.
4. Organisations also tend to focus on applying the general duty in terms of eliminating discrimination and advancing equality of opportunity only. Even in these contexts there is often a view that "equality of opportunity" is only relevant to education and

employment, rather than access to services and equitable treatment, relevant to individual needs. There is an urgent need to raise awareness of the wide variety of areas which impact on equality of opportunity and should therefore be included in actions to tackle inequality.

5. Not only is there very little focus on fostering good relations, but community cohesion is still often viewed extremely narrowly, as applying to race and religion as it interacts with race only. This misses opportunities to ensure that good relations are promoted and ensured between all protected characteristic groups.
6. One example of this is a recent community cohesion event in Neath Port Talbot, which was marketed as overall community cohesion, but barely mentioned any other protected characteristics other than race or religion all day.
7. There is also a severe lack of understanding, awareness and training amongst public sector employees regarding the newer protected characteristics. This leads to substantial impacts of policies, practices, budgets, procedures, initiatives and even legislation on particular protected characteristic groups being overlooked and therefore not addressed.
8. This couples with a serious lack of understanding of engagement with each protected characteristic group and of the purpose and benefits of Equality Impact Assessments (EIAs) to create a situation where negative impacts are not addressed and inequalities risk becoming even more entrenched.
9. Examples of this include Cardiff Council not conducting any Equality Impact Assessment or engagement before cutting funding to third sector organizations and Welsh Government consultations almost always being accompanied by a Regulatory Impact Assessment (including a competition and rural proofing assessment) but stating that Equality Impact Assessments will only be published after evidence from the consultation itself has been collated, providing no opportunity to comment on these documents.
10. Equality Officers are also overstretched with little investment in their work and very few dedicated and well-trained equality officers in any public sector organisation in Wales.
11. As an aspiration for the future, when equality does become part of the everyday business of all organisations and employees in all their work, having only a few specialist staff is an ideal. However the present situation evidences a lack of knowledge, awareness, training and dedication to equalities, which requires increased staffing and support for equalities.
12. This situation, where equality officers cannot effectively support all staff needs without additional support, is exacerbated by senior officers and elected members across the public sector focusing on mere compliance with legislation and not understanding the benefits to themselves and their communities of ensuring that all communities and protected characteristic groups benefit from initiatives, actions, policies and strategies.
13. Evidence and intelligence gathering is an essential part of the EIA process, to ensure that impacts are identified and action can be taken as part of a strategic, evidence-based approach to improving outcomes for everyone in Wales and each local area in Wales, yet information collected is often patchy and where it does exist information is often of a purely statistical nature, overlooking some severe impacts on small numbers of local citizens. The link between evidence and intelligence and strategic equality objectives is also often poorly determined and some needs remain unaddressed.
14. There is still a lack of understanding of how to reach and engage with each protected characteristic group. Yet there is a wealth of evidence and research identifying routes, methods and tailored approaches needed to engage with each group. This results in

duplication of effort for public sector organisations and a lack of sensitive approaches to involvement, which meet everyone's needs.

15. Working closely with equality organisations and representative organisations across the protected characteristics, in addition to improving a strategic approach to engaging with individuals is critical to improving the effectiveness of the duties.

### **The Equality and Human Rights Commission in Wales**

16. If the Commission is intended to focus on being a "modern Regulator" then there is a need to ensure that enforcement action is undertaken. This should focus on compliance notices, which give public sector organisations clear actions which they need to undertake to improve compliance with timescales and a requirement to publish clear evidence of progress in meeting compliance actions.
17. The EHRC should be clearly independent of all levels of Government, the public sector and the third sector. Strengthening independence should assist in ensuring that a stronger focus on compliance can be undertaken effectively.
18. There is little feedback from the EHRC to public sector organisations or publically regarding how well organisations are meeting and exceeding the public sector equality duty and the specific duties for Wales. This is particularly true of Strategic Equality Plans and annual reports, where we have seen no public information or announcements on progress made and good practice. This feedback is essential to combating a mere compliance culture by enabling organisations to identify their strengths and weaknesses, share best practice and learning, and to focus on continual improvement to enhance people's lives
19. The EHRC acts as a good source of information and guidance for public sector organisations, as well as the private and third sectors, on how to meet equality duties and progress in certain areas. This is a vital element of their role in proactively ensuring compliance and understanding without having to resort to compliance notices most of the time.
20. However this information and guidance role could be greatly strengthened by linking to research, information and guidance produced by other organisations on equality issues, especially from third sector organisations and representative groups.
21. The EHRC provides extremely good networking between equality officers and organisations to share experiences and best practice. However this should be strengthened through improved involvement of individuals from each of the protected characteristic groups and the use of new technology.
22. Funding cuts to the EHRC are a serious concern, especially given simultaneous cuts in legal aid and the severe impacts of welfare reform on some protected characteristic groups. This could seriously hamper the EHRC's ability to deliver effective Regulation and to take test-cases to Court where individuals do not have the means to do so and there is a public interest element, as they have done in the past.

### **The link between poverty and equality and the socio-economic duty**

23. The links between poverty and equality on the grounds of protected characteristics are clear and well-evidenced. Therefore there is no need to commission new research, but the focus needs to be on tackling poverty, equality and socio-economic issues within a whole system approach.
24. Many of the Single Integrated Plans produced by County Councils recently focused on tackling poverty and disadvantage, but these only emphasised the geographic and socio-economic links and priorities. Equality on the grounds of protected characteristics

needs to be integrated into tackling poverty initiatives rather than the current approach of tackling poverty separately from inequality on the grounds of protected characteristics.

25. If guidance on the socio-economic duty were to emphasise the links with poverty on protected characteristic grounds this could be a strong lever for change.
26. The socio-economic duty should therefore not be seen or implemented as a distinct part of the legislation, but very clearly and explicitly link to targeting and tailoring initiatives and actions for each protected characteristic group as part of the general Public Sector Equality Duties.

### **Accountability for equality and human rights legislation in Wales.**

27. Accountability is a complex issue at present. We feel that Strategic Equality Plan annual reports form a starting point for ensuring accountability.
28. However current reports tend to focus on outputs and statistics, such as the number or percentage of people employed or accessing a service from a particular protected characteristic group; the number of EIAs completed; or the number of engagement activities held. The benefit of equality legislation, duties and actions is related more to the distance travelled and improvements made to the lives of people affected by inequality than to the amount of people benefiting. An outcomes based approach, identifying the difference made to individuals and communities must be adopted.
29. The specific duties for Wales include a cross-cutting engagement duty, yet as referenced elsewhere in this response, this is often only used to limited effect. Involving individuals and representative organisations from each protected characteristic group in the development and review of Strategic Equality Plans and objectives is critical to ensuring the effectiveness of the duties.
30. Scrutiny of annual reports, actions and strategies and of equality legislation should be conducted by individuals from all protected characteristics groups and their representative organisations, as a core element of accountability, to ensure that appropriate progress is being made and public reporting is accessible, relevant, interesting and in Plain English and Cymraeg Clir. This needs to be funded, as the third sector does not have the capacity to engage continually at this level without support.
31. There is a lack of clear lines of accountability and strategic overview of the legislation and compliance.
32. The role of the EHRC in compliance should be strengthened.
33. Welsh Government and local and national public sector organizations need to be working more closely together to ensure that duties are appropriately enacted on the ground and that there is clear understanding of duties and strategic actions.

### **34. Recommendations:**

- **Public sector organisations must undertake comprehensive equality training, including engaging with and the needs and concerns of each protected characteristic group individually.**
- **Clear guidance on the value of equality, wider definitions of equality of opportunity, and on implementing the duty to foster good relations should be issued, involving people from protected characteristic groups and representative organisations in Wales.**

- **EIAs and related-training should focus on identifying evidence, involving external individuals and organisations from across the protected characteristics, and achieving change and progress for communities.**
- **Investment must be made in equality training and in equality officers and staff to support their work and enable them to transform public sector organisations from a compliance focus to a valuing equality and individuals focus.**
- **Close working relationships with equality organisations must be established to assist with tailoring engagement, events and initiatives to each protected characteristic group**
- **The EHRC must be clearly independent of all levels of government and should focus on feedback to the public sector on improvements that can or should be made to Strategic Equality Plans and reports and on compliance.**
- **Compliance must focus on clear actions and timescales required to improve with a duty to provide evidence of improvements.**
- **The EHRC must improve networking to involve all sectors and individuals and must link to external information and intelligence to supplement its own.**
- **If the socio-economic duty is implemented in Wales it must emphasise the links between poverty, socio-economic status and equality on the grounds of protected characteristics and very clearly and explicitly link to targeting and tailoring initiatives and actions for each protected characteristic group as part of the general Public Sector Equality Duties.**
- **Scrutiny of all equality legislation, SEP reports, EIAs and initiatives must involve individuals and representative organisations from each protected characteristic group as a core element of accountability.**
- **An outcome-focus looking at the distance travelled and improvements in relation to each protected characteristic group must form the basis of all objectives, reports and actions, rather than a statistical focus.**