

Response from :The Royal College of Nursing

RCN Response to the Communities, Equality and Local Government Committee Inquiry into the future of equality and human rights in Wales

The Royal College of Nursing welcomes the opportunity to share our views with the Committee on the future of equality and human rights in Wales. The Equality Duty should and does work as a tool that helps public bodies to deliver their services fairly and more accurately. Responding intelligently to customer, patient, service user or stakeholder need is simply a common-sense business practice that equality duties help to transfer to the public sector. When difficult choices have to be made about the allocation of resources, there is a significant risk that groups of people with protected characteristics will be disproportionately affected unless active consideration is given to making cuts as fairly as possible.

The RCN has submitted evidence to the UK Government's Review of the Public Sector Duty maintaining that that it is too early to measure or assess its impact. This is particularly true in respect of those grounds or protected characteristics which were not previously covered by a public sector equality duty, including age, religion or belief and sexual orientation, in respect of which there is very unlikely to be any meaningful evidence of impact at this current stage in the life of the duty.

Given that the overall general public sector equality duty and the Equality Act 2010 is not devolved, the RCN in Wales is concerned about the impact that any changes at Westminster may have in Wales. Weakening the Duty or attempting to dilute it with light touch approaches are highly likely to produce poor quality, ineffective decisions on the part of public sector organisations who have a responsibility to implement the Duty. The Royal College of Nursing firmly believes that this could only ever had a negative and detrimental impact on the nursing workforce and most importantly on patients who most certainly deserve better.

The Royal College of Nursing suggests that public sector equality duties have the potential to help public bodies to 'get it right first time', rather than face the prospect of correcting mistakes subsequently. Failure to take account of equality is in itself costly, wasteful and often indicative of poor-quality decision making that fails to deliver valuable and increasingly scarce resources to the places where it is most needed. The operation of public sector equality duties are simple common sense in the vast majority of cases. It is clear that when used and understood correctly, the duties enable public authorities to make better quality decisions on behalf of the

communities that they serve and enables them to use public money more efficiently and with greater accountability than before in many cases.

Different specific duties have been adopted in Wales, England and Scotland, the RCN believes it would be very useful for the devolved administrations in conjunction with the UK Government to take advantage of this natural experiment through independent research into their impacts to try and identify which model will have greatest impact. We have also been aware that while there have been a number of judicial reviews of the operation of the Equality Duty in England there do not appear to have been any in Wales or in Scotland since their new specific duties were implemented. Whilst we do not consider that this is a definitive indicator of their efficacy, it may be seen as a useful signal prompting further and more detailed investigation about what enables the public sector equality duties to work well across a range of different context.