

Communities, Equality and Local Government Committee

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

Response from : Stonewall Cymru

Introduction

1. We are pleased to respond to the Committee's call for evidence for its inquiry into the future of equality and human rights in Wales.
2. Stonewall Cymru is the leading organisation campaigning and lobbying for lesbian, gay and bisexual equality in Wales. We have been eager to improve the evidence base for the real lived experience of our stakeholders and below we wish to draw the committee's attention to some of the stark reminders of how life is for LGB people in Wales today. Whilst there has undoubtedly been progress, there remains much work to be done.
3. In November 2012 Stonewall Cymru published ***The School Report 2012***. This survey of more than 1,600 young LGB people in Britain shows some encouraging results. Levels of homophobic bullying have fallen by 10% since 2007 and the number of schools saying that homophobic bullying is wrong has more than doubled. This research also provides clear evidence that in those schools that are taking simple steps to tackle homophobia, pupils are less likely to have been bullied and much more likely to feel happy and welcome in their schools. The study shows that there is still much more to be done. More than half of lesbian, gay and bisexual young people in Britain still experience homophobic bullying and its damaging impact is just as pronounced. Two in five gay pupils who experience bullying attempt or think about taking their own life as a direct consequence. Three in five bullied gay young people say that it is affecting their studies and seven in ten of all lesbian, gay and bisexual pupils admit to skipping school at some point. Only one in four gay pupils say a teacher has spoken with them about how homophobic bullying is wrong.
4. In December 2012 in partnership with Sport Wales we published, ***Lesbian, Gay and Bisexual People in Sport: Understanding LGB sports participation in Wales***. This report found that 75% of LGB survey respondents have heard homophobic banter in sport. 49% of LGB individuals said they had experienced verbal abuse due to their sexual orientation - 12% have experienced physical abuse 33% of LGB people have experienced exclusion from sport because of their sexual orientation 72% of LGB people would be more likely to participate in a club if it was marketed as LGB-friendly.

5. In January 2013 Stonewall Cymru published *Living Together: Welsh attitudes to lesbian, gay and bisexual people*. This was the first study of its kind to ask people in Wales their views on gay equality and was conducted by YouGov among over 1,000 adults living in Wales.
6. This polling shows the scale of the challenge we continue to face. Half of all people acknowledge that prejudice still exists against gay people, 114,000 people have witnessed homophobic bullying at work and three in five young people have witnessed homophobic bullying in their own school. They are clear that this should be tackled.
7. Later this year we will be conducting further research into the lived experience of LGB people in Wales, benchmarking progress since our first *All Wales Lesbian, Gay and Bisexual Survey* report was published in 2003.

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

8. The general equality duty, which covers sexual orientation for the first time, has only been in force for two years. We think it is too soon for there to be sufficient evidence of how the general duty or the specific duties are working in practice. While many public sector organisations have already been working for some years to promote equality for lesbian, gay and bisexual staff and service users, others are still in the process of adapting to their new statutory obligations.
9. We campaigned for a single equality duty for a number of years. We continue to believe that a single equality duty, focused on practical outcomes, can potentially have a transformative effect on lesbian, gay and bisexual people's lives in areas where they have often faced unfair treatment.
10. Upon publication of the draft public sector equality duties (Wales) Stonewall Cymru campaigned for the inclusion of schools and school governors within the duties and for the inclusion of sexual orientation in the duty to monitor (originally excluded).
11. Our evidence was based on a series of Have Your Say events around Wales in which we spoke with more than 300 lesbian, gay and bisexual people, service providers, and representatives of third sector organisations.
12. Our workplace intervention '*Diversity Champions*' now works with the employers of more than a quarter of the Welsh workforce. Many of our members, though not subject to the Wales Public Sector Duties have elected to work in ways which are entirely compatible with the duties.
13. Through our work with public sector organisations across Wales we know that many have found the duty helpful in introducing or improving policies, practices

and procedures in order to improve outcomes for lesbian, gay and bisexual people. Some even began to implement this work in anticipation of the duty coming into force.

14. At the same time the duty has enabled lesbian, gay and bisexual people for the first time to find out what public services in their local area are doing to improve services for lesbian, gay and bisexual people. Organisations such as Stonewall Cymru have also been able to hold public bodies to account for their performance in complying with the duty.
15. Many of our members operate proactively in the field of sexual orientation. We publish an annual UK-wide Workplace Equality Index benchmarking progress for employers in the field of sexual orientation equality in the workplace.
16. Submissions to the Workplace Equality Index are assessed across eight areas of good practice, many of which would be familiar in terms of the Wales specific duties. These are:
 - employee policy
 - employee engagement
 - staff training and development
 - monitoring
 - supplier policy
 - LGB community engagement
 - the 'pink plateau'
 - additional evidence and staff feedback.
17. Employers submit written responses and supporting evidence. This is supplemented with evidence submitted by employees. In 2013, more than 8,900 individual lesbian, gay and bisexual employees of Index entrants completed the survey.
18. In 2013 11 of the Top 100 UK Employers were Welsh employers (9 of these are public sector employers though not all are currently subject to the Wales specific duties).

The Equality and Human Rights Commission in Wales

19. Stonewall Cymru have enjoyed a productive relationship with the Commission in Wales since its inception in 2007.
20. With an increasingly divergent equality framework in the UK it is entirely appropriate that the Committee should examine the Commission's role in Wales.

21. In the absence of a specific proposal on the future devolution of equality to Wales it would be inappropriate at this stage for Stonewall Cymru to make specific recommendations as to the future role or function of the EHRC in Wales.

The link between poverty and equality and the socio-economic duty in Wales

22. The Equality and Human Rights Commission in Wales has produced some very useful evidence on the link between equality and poverty, particularly with regard to race, special educational needs, and socio economic status.
23. Stonewall Cymru have produced evidence on the experience of homophobic bullying in Wales, most recently in *The School Report 2012*. We have also produced research into the poor mental health experience of LGB people, and the experience of older LGB people.
24. In terms of sexual orientation there is a lack of evidence on the long-term socio-economic effects of homophobic bullying at school and at work, homophobic hate crime in the community, or how poor early experiences impact on career progression, economic potential, and the development of skills and leadership amongst Wales' estimated 184,000 lesbian, gay and bisexual people.
25. In considering the socio economic duty we believe that further research is needed into the issue of possible disproportionate net migration from Wales amongst lesbian, gay and bisexual people.
26. In 2009 the EHRC funded our colleagues in Scotland to research this issue there, the findings showed that three quarters of lesbian, gay, bisexual and transgender people living in rural areas felt they had to leave their hometown before they could come out. If the same were true in Wales rural areas risk losing talented people to more urban areas and Wales would risk losing talented LGB people to cities such as Bristol, Manchester, Liverpool, and London.

Accountability for equality and human rights legislation in Wales

27. We welcome the UK Government's commitment to working with Welsh Government to agree an approach which allows Wales to commence with the duty for Welsh bodies.
28. Recent proposals to change the Equality Act at Westminster do shine light on the divergence of policy, but also raise issues of a more fundamental nature on what may be a quirk of the devolution settlement itself. Part of an Act, in this case the Equality Act 2010 is devolved, and Welsh law has since been implemented. However if Westminster were to repeal the general duty, the Welsh Specific Duties would also fall, by an act of the Westminster parliament not by measures taken by the National Assembly for Wales.

29. We do not take a specific position for or against further devolution of equality to Wales. We would be concerned if measures passed in Wales were effectively repealed without reference to the legislature that had passed them. We are hopeful that dialogue between both governments can reach a practicable and appropriate solution.

30. Stonewall Cymru are committed to working with Welsh Government and the National Assembly to continue to find the best solutions for lesbian, gay and bisexual people.

We welcome the opportunity to discuss this paper with you in due course.

Andrew White

**Director,
Stonewall Cymru**