

Communities, Equality and Local Government Committee

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

Response from : Race Council Cymru

Background to Race Council Cymru (RCC)

Race Council Cymru is an overarching / umbrella body established in Wales, which brings together key organisations to work strategically to tackle prejudice, race discrimination, harassment, victimisation, abuse and violence.

Through its Primary Stakeholder Forum, which is made up of over 20 diverse BME organisations across Wales, including the Gypsy Traveller Community and the Polish Community, RCC facilitates debate, encourages discussion, champions ideas, challenges and combats racism and inequalities, and campaigns for justice and a more inclusive society. RCC is keen to contribute to this inquiry to ensure that a broad view of the input of diverse BME communities, as well as organisations that work within the racial equality sphere, is duly represented and taken into consideration.

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Introduction

The National Assembly for Wales' Communities, Equality and Local Government Committee is undertaking a short inquiry into the future of equality and human rights in Wales. Race Council Cymru has been asked for its views on the following 4 questions;

- (1) How well the specific public sector equality duties are functioning in Wales;
- (2) The Equality and Human Rights Commission in Wales;
- (3) The link between poverty and equality and the socio-economic duty;
and
- (4) Accountability for equality and human rights legislation in Wales.

Responses are to be emailed to celg.committee@wales.gov.uk by Friday 12 April 2013.

Background Equality Act 2010

The Public Sector Equality Duty in Wales was introduced by the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. These Regulations came into force on 6 April 2011. Specific duties were established to ensure that public bodies clearly set out how they would meet their obligations as detailed within the general equality duty. This means that in complying with the

specific duties, public bodies had to devise their equality objectives and publish them within the framework of the Strategic Equality Plan (SEP). The specific duties were designed to ensure that public bodies comply with the requirements stipulated within the general duty.

It was envisaged that the equality objectives set should reflect the aims of the General Equality Duty which are to;

- Eliminate discrimination,
- Advance equality of opportunity and
- Foster good relations between different people when carrying out their activities.

Having **due regard for advancing equality** would involve: i) removing or minimising disadvantages suffered by people due to their protected characteristics; ii) taking steps to meet the needs of people from protected groups where these are different to the needs of other people; and iii) encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The Public Sector Equality Duty requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees.

(1) How well the specific duties are functioning in Wales?

The broad purpose of the specific duties is to help listed bodies in their performance of the general duty and to aid transparency. It is clear that Wales leads the UK in terms of setting clear and robust specific public sector duties.

As one of many equality bodies in Wales, RCC fully supports the position adopted by the Welsh Government in producing such detailed and comprehensive specific public sector equality duties. These duties in Wales came into force on the 6th of April 2011 and set out the steps which listed bodies in Wales must take in order to demonstrate that they are paying due regard to the general duty. By the 2nd April 2012 all public authorities published information to demonstrate compliance with the general equality duty to eliminate discrimination, advance equality of opportunity and foster good relations between different groups. Those specific duties covered the following:

- Equality Objectives
- Strategic Equality Plans
- Engagement
- Assessing Impact
- Equality Information
- Employment Information
- Pay Differences
- Staff Training
- Procurement
- Annual Reporting

- Publishing
- Welsh Ministers Reporting
- Review
- Accessibility

Public sector bodies have had just over a year to produce and implement their equality duties as contained in their Strategic Equality Plans and it would be imperative, following the publication of annual progress reports by public bodies in Wales, that the Welsh Government and indeed the Equality and Human Rights Commission (as regulators) undertake a thorough assessment and evaluation of the first year's progress based on the annual reports published to determine the impact and value of the outcome-focused approach.

As it stands, the Welsh Ministers review of the public sector equality duties in Wales will be published in 2014, however, it is vital that progress against equality objectives are still monitored robustly in 2013. It would be informative and helpful for the Welsh Ministers to undertake not only critical evaluation of progress of the duties from the organisational perspective within the public sector in Wales, but also commission a community impact assessment to effectively evaluate the impact of the implementation of the equality objectives, where such objectives are outward facing, and a full and detailed report published for accountability purposes.

RCC has specific interest around how well public sector bodies that have set race-focused equality objectives are progressing. What, if any, are the barriers public sector organisations have encountered in promoting good race relations and how those barriers are being tackled?

In 2012, RCC commissioned Professor Heaven Crawley, Director of the Centre for Migration Policy Research at Swansea University, to undertake an exploratory research on the needs and experiences of people from Black, Asian and Minority Ethnic (BAME) backgrounds living in Wales to collect baseline information against which to identify the key priorities for promoting good race relations in the Welsh Context. The report, which is available on the RCC website at www.racecouncilcymru.org.uk, clearly identify that, "everyday racism" continues to have a negative impact on BAME community member in Wales. RCC is keen to support public sector bodies in anyway possible with race equality objectives they have set.

(2) The Equality and Human Rights Commission (EHRC) in Wales

"The EHRC was established in 2007. It has a statutory remit to promote and monitor human rights; and **to protect, enforce and promote equality** across the nine "protected" grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment".

RCC believes that the EHRC has immense powers to deliver on the equality agenda in Wales. Its regulatory powers should be fully deployed to support organisations and various bodies in Wales in understanding the Equality

legislation and to enable them be empowered and equipped to progress the implementation of their equality objectives, as contained in their Strategic Equality Plans.

The EHRCs Equality Exchange Conferences and seminars across Wales have been helpful in highlighting equality issues to stakeholders and public bodies. However, their regulatory role must be used more visibly to ensure that public bodies continue to deliver against their equality objectives.

BAME organisations in Wales would like to see the EHRC in Wales using the RCC report to tackle racial inequalities. Racism and racial prejudice continues to adversely impact on the lives of BAME people in Wales and RCC would like to see the EHRC allocate a dedicated resource to work with RCC and race bodies in Wales to promote a society where people from all racial backgrounds feel included and respected.

(3) The link between poverty and equality and the socio-economic duty;

It is clear that there is a visible link between poverty and inequalities across diverse protected characteristics. It is heartening to note that the new Equality Minister, Huw Lewis, will for the very first time hold a portfolio that brings together responsibility for equality, poverty and sustainable development. This is a refreshing approach to championing equality, and introduces the discussion around the links between poverty and inequalities.

The UK Government made the decision to remove the socio-economic duty which had been included in the Equality Act in 2010. As such, Wales will once again be leading the way in this regard, if Welsh Ministers were to introduce a form of this duty in Wales.

Welsh Government has always demonstrated a clear commitment to social justice and equality of opportunity, and the current economic and financial climate makes it even more pertinent that this commitment is re-energised and sustained through the 'Tackling Poverty Action Plan' launched last year. It is vital that, through the 'Tackling Poverty Action Plan', the needs of the poorest communities and minority communities, as well as the most vulnerable peoples, are prioritised and tackled effectively. In the 2014 Welsh Government equality monitoring progress report, it will be crucial to record and report on what milestones have been achieved. The Welsh Government's Equality Objectives, together with the 'Tackling Poverty Action Plan', will provide the framework for measuring progress. Such progress should be rigidly monitored and reported on for accountability purposes.

The 'Tackling Poverty Action Plan' sets targets around enabling communities to lift themselves out of poverty by dismantling barriers to accessing services and facilities in the public domain; preventing poverty; and working with key stakeholders and community groups to improve the quality of life of those in poverty. This is work that RCC is keen to support.

'Travelling to a Better Future' is the Gypsy and Traveller Framework in the UK, established to tackle inequalities and poverty experienced by the Gypsy and Traveller community. The Gypsy and Traveller communities highlight that the Framework clearly states that indigenous Gypsy Traveller communities, such as Roma, are not covered. The key concern for the community in this regard is that there is no unanimous buy-in by all local authorities in Wales and there is still a long journey ahead. However, it is noteworthy that the Welsh Government has dedicated resources to ensure that a tender process to support the Framework is fully deployed. There is a great need to improve attendance at schools, promote participation and community engagement across Wales.

The Government's Community Cohesion Strategy for Wales focuses on the need to create resilient and inclusive communities and on policy areas including housing, communication, learning, equalities, social inclusion, and tackling extremism. This has now seen the appointment of Community Cohesion Regional Co-ordinators posts throughout Wales. RCC views these appointments as very positive and will continue to work with the coordinators to promote equality and cohesion in Wales. When the coordinators fully establish engagement strategies with grassroots communities across Wales, initiatives and ideas around tackling issues of social exclusion and poverty will organically develop from within the communities who face and live with the issues themselves.

(4) Accountability for equality and human rights legislation in Wales.

The powers to oversee the implementation of the Equality Act legislation is not fully devolved in Wales, and as such Welsh ministers are somewhat limited in how far they can push forward changes within the equalities sphere. RCC believes that if the Welsh Government is accorded full leave to make decisions on equalities, including the socio economic duties, this would enable it to be proactive and to push forward the equalities and human rights agenda in Wales.

The UK, unlike many other democratic countries, does not have a written constitution or constitutional charter of fundamental rights, and since the introduction of the European Convention on Human Rights, citizens have a far more clear set of rights than they had at any time before. The Human Rights Act incorporates the ECHR into UK law and is upheld throughout the UK. It is noteworthy that the *Migrant Rights Network (MRN)* recommends that "the plans for a fundamental revision of the current situation on human rights be abandoned in favour of renewed efforts to build consensus around the importance of the Human Rights Act in guaranteeing the fundamental rights of everyone within the UK". The Human Rights Act serves to protect the rights of citizens.

It is RCC's view that the EHRC has a key role to play in ensuring that the Human Rights Act is understood and upheld.

In order to achieve comprehensive equalities and human rights protection for all in Wales, there will need to be an incorporation of Human Rights provisions into the public sector equality duties in Wales. RCC believes that everyone who lives in Wales has a duty to uphold the Human Rights Act as well as the Equality Act 2010 and associated provisions. However, the EHRC and the Welsh Government, to some extent, have powers to hold organisations accountable for upholding the law and, further, to ensure that organisations within Wales recognise that they will be held accountable accordingly.

Conclusion

It is RCC's view that Wales leads the UK in what it has set out to do in terms of equality. It applauds the Welsh Government for setting such stretching and challenging Public Sector Duties in Wales which, if implemented fully, will assist in creating a fairer society that we all want to see.

Finally, monitoring of the effectiveness and workings of the equalities objectives (which must be outcomes focused and SMART) is key. Welsh government and the EHRC will need to work closely with public service providers and stakeholders, as well as grassroots community groups, to ensure that equality objectives are truly delivering measurable outcomes and making a tangible and positive difference in Wales. They need to ensure that public sector organisations appropriately engage and consult with communities and service users when preparing and revising the Strategic Equality Plans, as well as having due regard to relevant equality information.