

Communities, Equality and Local Government Committee

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

Response from : National AIDS Trust (NAT)

Introduction

- 1) NAT is the UK's leading charity dedicated to transforming society's response to HIV. We provide fresh thinking, expertise and practical resources. We champion the rights of people living with HIV and campaign for change.
- 2) NAT welcomes the opportunity to respond to the Government's review on the future of equalities and human rights in Wales.
- 3) We believe the specific public sector equality duties in Wales and the socio-economic duty under the Equality Act 2010 are crucial mechanism for public authorities to sensitise their policies and services to the needs of their population. Doing this well is a critical part of using public money and resources well through targeting services fairly and more accurately. People living with HIV particularly benefit from these duties as they continue to face inequality and social disadvantage.
- 4) In a climate of public spending cuts and austerity it is essential that the public sector equality duty continues to operate so that people with protected characteristics, including people living with HIV are not disproportionately affected by the cuts.

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

1. NAT is a national organization that engages with a wide range of public institutions which people with HIV need and access every day. This includes the NHS, the Police, Local Authorities, and primary and secondary schools.
2. From our experience, the PSED in Wales as in the rest of the UK has been a valuable tool to establish good working relationships with public institutions and to promote equality for people living with HIV.

The Equality and Human Rights Commission in Wales

1. NAT is concerned that there has been significant cuts to the EHRC that will reduce its ability to monitor and enforce the specific duties and general duty of the PSED in Wales.¹ We are also concerned that the EHRC Disability Committee may be disbanded, which will impact on people living with HIV, defined as a disability under law. The loss of the Committee may mean disabled people and their rights will be less represented.
2. In addition, the removal of section 3 (general duty) from the EHRC would significantly undermine their role to promote equality and human rights in Wales².

¹ <http://www.guardian.co.uk/society/2013/jan/25/equality-commission-office>

² Enterprise and Regulatory Reform Bill 2012-2013, section 56 (1) (a) : http://www.publications.parliament.uk/pa/bills/lbill/2012-2013/0045/lbill_2012-20130045_en_7.htm#pt5-pb3-l1g56

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

1. The Equality Act 2010 states that public bodies must have due regard in reducing inequality of outcome which result from socio-economic disadvantage.³ This is a crucial function for people living with HIV, many of whom continue to face poverty. A report produced by NAT showed that between 2006-2009, one in six people accessing HIV treatment UK was living in such poverty that they had to access an emergency payments fund.⁴
2. The impact on poverty on someone living with HIV is particularly detrimental. Poverty can worsen an HIV positive person's health, as they are unable to afford the nutritional food, appropriate housing or heating they need to remain well when living with a compromised immune system. It can also make adherence to treatment more difficult - when people struggle to provide the basics in life for their families, looking after themselves and taking their treatment become a lower priority.
3. As a result of the low incomes of some people living with HIV, many depend on the benefits system as a vital source of support.⁵ NAT is concerned that in a time of austerity and when the benefit system has been reformed and significantly cut, people with HIV will be disproportionately affected and impact on their equality of outcome.
4. NAT believes the socio-economic duty is particularly important to help inform the choices made by public authorities and to make sure that people living with HIV and other people with protected characteristics do not suffer as a result of these cuts.

Accountability for equality and human rights legislation in Wales

1. NAT is pleased that the Welsh Government is committed to 'strengthening accountability for equality and human rights legislation in the Programme for Government'.⁶
2. The EHRC report on how public authorities in England have met their transparency obligations on equality shows that only half of the public authorities assessed were responding fully to the requirements of the specific duty regulations to publish equality information such as the diversity of their staff and people who use their services. Sixteen per cent of public authorities had either published out of date or undated information and six per cent hadn't published any information at all.⁷
3. We have not been able to access equivalent data for Wales prior to making this submission, but if there were a similarly low rate of reporting this would be of great concern.
4. NAT recommends that in order for public authorities to be more accountable to the equality duty and to equality and human rights legislation more generally, there must be the following:
 - **Public bodies must be required to actively engage with people with protected characteristics, including people with HIV, to inform decision making.**

³ Equality Act, Part 1, section 1: <http://www.legislation.gov.uk/ukpga/2010/15/section/1>

⁴ NAT and THT "Poverty and HIV 2006-2009". Available online at <http://www.nat.org.uk/media/Files/Policy/2011/Poverty%20and%20HIV%202006-2009.pdf>

⁵ NAT(2010) *Fluctuating Systems of HIV*, www.nat.org.uk

⁶ [National Assembly for Wales Communities, Equality and Local Government Committee](#)

⁷ Publishing Equality Information - Commitment, Engagement and Transparency, EHRC, December 2012 at http://www.equalityhumanrights.com/uploaded_files/PSD/publishing_equality_information_final.pdf

- **Public authorities must provide written and up to date information on how they have complied with the specific public sector equality duty as well as the general duty. Information must be provided through a range of mediums so that employees, service users and community organizations can hold institution to account for decisions made.**
- **Organisations must provide clear equality outcomes and objectives that it can commit itself to achieve and that inform its business planning.**
- **There must be strong leadership at the top, accountable for the failure of institutions to comply with the equality duty and to ensure equality and human rights legislation work effectively.**

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NAT
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