

Communities, Equality and Local Government Committee

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

Response from : Wales Council for Voluntary Action

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Introduction to WCVA

Wales Council for Voluntary Action represents campaigns for, supports and develops voluntary organisations, community action and volunteering in Wales. It represents the sector at UK and national level; and together with a range of national specialist agencies, County Voluntary Councils, Volunteer Centres and other development agencies, it provides a support structure for the third sector in Wales. It has over 3,000 members, and is in touch with many more organisations through a wide range of national and local networks.

WCVA's mission is to provide excellent support, leadership and an influential voice for the third sector and volunteering in Wales. The Equalities and Human Rights Coalition was established in 2004, with the aim of enabling those organisations who work the Equalities and Human Rights field to engage with each other, share information and good practice and disseminate and influence policy, represent voluntary sector equalities and human rights concerns in relation to the Welsh Government's Third Sector Scheme, including the identification of issues and representatives for the twice yearly meetings with Assembly Ministers. Wales Council for Voluntary Action is responsible for facilitating the Network, which currently has 120+ members. Membership is open to all voluntary organisations working in the equalities and human rights field and all organisations working in this field will be encouraged to become members.

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

a) Value of the PSED

WCVA believe that the specific public sector duties we have in Wales should be viewed as positive and an example of how equalities in Wales is highly regarded. It sets us apart from England and should be something we are proud of achieving. Practitioners and third sector equalities organisation worked hard to influence the Welsh Government on key aspects of these duties. There were very robust and valid reasons behind each of the specific duties based on what works from years of experience of supporting and enabling equality.

The specific duties should therefore be seen as a practical tool for modern government and one that is particularly useful during times of austerity - such as we are currently experiencing. The duties can be an effective and efficient way of operating that allows

public bodies to recognise people's different needs, make the best use of limited resources and achieve better outcomes for all their users. The duties should work as a tool that help public bodies to deliver their services fairly and more accurately.

It is important that the duties are implemented and supported in such a way that it has the greatest possible impact on equality outcomes. This may challenge public bodies to do better but that should not be a burden. Change is not often easy and the duties are a way of enabling that change providing tools to support it.

b) Impact of the PSED

The current Equality Duty started to operate in April 2011, so it is too early to measure or assess its impact in terms of equalities outcomes. This is particularly true in respect of those grounds 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. However, there is evidence from the earlier equality duties relating to race, sex and disability, which show that these equality duties were effective in ensuring beneficial change

We can see positive impact where specific duties have been used to influence service design, for example through the setting of Equality Objectives and the Strategy Equalities Plan. Engagement with third sector to help shape the objectives and areas for improvement of equality is evidence that the PSED is having a positive impact of shaping the public service delivery. Whether this has impact yet on affecting the delivery and long term inequalities, it's too early to say but it's certainly positive in it enables engagement to makes the right type of changes. This is also the same for assessing impact or equality impact assessment. The engagement of people when policies and strategies are changed has lead to positive impact.

There is uncertainly and lack of guidance or support on how to measure outcomes and access its impact. Often the changes that the Equality Duty is there to encourage are entrenched structural inequalities which will take a number of years to unfold. Other more local examples of where the duty has impact, for example, changed strategy, resource allocation or decisions through use of EIA are easier to identify. How we measure impact and outcomes is an area that needs further development and understanding.

c) Implementation

Whilst we support engagement of third sector organisations in a number of the duties, it needs to be implemented in the right way to make positive impact. There is evidence of variability in the implementation of the engagement aspects of the specific duties. For example, from early and positive engagement with people from protected characteristics through to none or very late engagement.

There are also some issues around the capacity of third sector organisations to fully respond to the duties. Third sector organisations are sometimes expected to review equality plans often at short notice and with no extra resources. They can receive a number of requests from public authorities with no coordination or consideration of a more joined up and efficient approach to engagement. The process of engagement is/is not linked to Welsh Government Participation Standards

Much of the analysis does not go beyond no impact at the screening stage of equality impact assessments. Often there is a lack of creative understanding of what impact is or what outcome a policy could potentially mean. This questions the value of the initial screening if not done by people with experience and knowledge of equalities.

2. The Equality and Human Rights Commission in Wales

Its role should be one of enforcement, monitoring, promotion and research. It should be provided with enough capacity to do this. Concerns the recent cuts made to EHRC, which appear to be politically influenced, will impact of its ability to provide services in these areas. For example, cuts to its equalities grants to the third sector, the removal of its advice line from in house and less capacity building events for organisations suggests that funding cuts are having an impact.

With different government agendas in England and Wales, and what appears to be a politically influenced Commission, it may be time to consider the devolution of EHRC to Wales with its role underpinned by statute.

JM
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