

Communities, Equality and Local Government Committee

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

Response from : Betsi Cadwaladr University Health Board

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Terms of Reference:

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

The view of BCUHB on the above questions/items is as follows:-

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

The duties introduced in April 2011 are certainly far more challenging than the duties they replaced, however we were amongst the strongest lobbyists for the retention of specific duties in Wales as we believe they represent good/best practice and are measures we should be undertaking in any event in order to demonstrate how we are meeting the general equality duty. The duties provide a framework which we believe is fundamental to driving change.

However, we believe it is too early to make any sort of worthwhile assessment of how well the specific equality duties are functioning in Wales, particularly without further definition of the term “functioning”.

It would be possible to make an assessment of how many public sector organisations have met, or are working towards meeting, the duty to publish employment and pay information, for example. However assessing the effect of meeting this element of the duties on vulnerable groups would be much harder to measure and would require the undertaking of a further “How Fair Is Wales?” study at an appropriate stage after full implementation, perhaps three years.

It may be more meaningful if comparisons were made between objective measures in England and Wales to assess whether the additional duties in Wales are having the desired effect of reducing inequalities and levels of discrimination and hate crime, for example, however we remain of the view that it is still too early to make any comparison/measure meaningful.

2. The Equality and Human Rights Commission in Wales

We believe the retention of a strong Equality and Human Rights Commission within Wales is critical to making progress with the equality and human rights agenda and lobbied against the changes which are currently taking place, particularly in North Wales where we had worked collaboratively with Commission Officers for a number of years.

We greatly value, and have contributed to, Equality Exchange Network events organised by the Commission throughout Wales as this gives us the opportunity to have a constructive and open exchange of views and to share good practice. We believe Commission officers have also valued this exchange of views over the last few years. It is vital that people working for the Commission fully understand the practical impact of the implementation of the duties on Public Sector organisations so that they can design appropriate interventions to help develop a better understanding of the duties.

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

In the three years since the establishment of Betsi Cadwaladr University Health Board we have worked increasingly closely with Public Health colleagues to better understand the link between poverty and equality and have a specific objective within our Strategic Equality and Human Rights Plan (SEP) which commits the Health Board to:

“Identify and remove barriers to accessing and using services, including those faced by homeless people”

We remain un-convinced of the need to legislate on this specific issue through a further public sector (socio-economic) duty as the link is well understood and believe existing specific equality duties already capture information and objectives aimed at reducing inequalities arising from socio-economic deprivation. We believe that building upon the existing outcome-focused approach will achieve greater progress than the introduction of additional process-driven legislation.

4. Accountability for equality and human rights legislation in Wales

We would agree with the view that without the general equality duty, the specific duties would fall and as already stated above, we were amongst the strongest lobbyists for the retention of specific duties in Wales. We would therefore lobby strongly that in the event the UK Government was considering repealing the general duty, then devolved governments should, as a minimum, be given the opportunity to create their own primary legislation in this area.

The ideal situation would be for Wales to have fully devolved powers for equality and human rights legislation together with the associated budget for Equality and Human Rights Commission functions.