

## **Building a Fairer Britain: Reform of the Equality and Human Rights Commission**

### **Chwarae Teg Consultation Response**

**June 2011**

#### *Introduction*

**Chwarae Teg** promotes, supports and develops the role of women in the Welsh economy. Established in 1992, we do this by raising awareness of the positive contribution women make to economy and society and sensitising Welsh Government strategy and policy to the barriers confronting women who wish to fully participate in the labour market.

The persistency of occupational segregation, the over representation of women amongst the working poor, the under-utilisation of women's skills, the gender pay gap, the lack of women in senior and management level positions and the limited number of women in decision making roles presents a challenge to Welsh policy and practice.

Funded by the **Welsh Government** to provide expert advice to Ministers and policy-makers on these matters, Chwarae Teg also designs and manages significant projects that support women's participation in, and the development of, the Welsh economy. This has included working with women entrepreneurs and encouraging early stage enterprises in addition to providing pre-employment training for economically inactive women in their communities.

Our current project, **AGILE NATION: New ways of working in the 21<sup>st</sup> century**<sup>1</sup> provides bespoke, accredited management training to equip women with the skills they need to progress into leadership roles. We also work directly with employers, referral agencies and training providers to support the design of gender sensitive employment and training programmes, including the reconciliation of work and private life. Chwarae Teg is a partnership organisation and we work with organisations from all sectors.

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<sup>1</sup> *Funded by European Social Fund and Welsh Assembly Government 2008 - 2014*

## *Consultation Response*

Chwarae Teg welcomes the opportunity to respond to the consultation on reforming the Equality and Human Rights Commission (EHRC). The EHRC in Wales carries out vital work in promoting equality and human rights in Wales. The Commission also provides advice and guidance work which is essential for a wide range of stakeholders. The equalities landscape in Wales is very different to that of the UK. The Welsh Government is driving forward a distinct equality agenda and the Commission must maintain the flexibility it needs to be able to provide a comprehensive information service for organisations operating in Wales. It is also vital that information and advice continues to be available through the medium of Welsh. A service based in Wales is much better placed to provide this.

The EHRC has a distinct presence in Wales, advising public authorities, third sector organisations, employers and the general public. One major function that the commission provides is the facilitation of the Equality Exchange Networks which are active in Wales. This network is a key forum in Wales which allows organisations to share and gather information.

The research provided by the EHRC is also crucial in taking forward the equalities agenda. For example, the recent Triennial review 'How Fair is Britain' provides an important update on the progress of social inclusion in Britain. Furthermore, the 'How Fair is Wales' report, provides a benchmark in Wales. The EHRC in Wales also commissioned 'An Anatomy of Economic Inequality in Wales' which will provide underpinning evidence to influence future policy making.<sup>2</sup> It is vital that the value of the services provided by the EHRC is not underestimated. If restructuring must take place, it should not be at the expense of the quality of service provision.

## *Consultation Questions*

### **Core Activities**

#### **1. Do you agree that Section 3 should be repealed?**

The Government proposes to abolish the duties within Section 3 of the Equality and Human Rights Commission's statutory framework. If the proposals were for the removal of Section 3 alone, we believe that many of the areas of concern to us would be covered in Section 8. However, proposals include the removal of these same areas from Section 8. What would be lost is the role of the EHRC in promoting equality of opportunity along with equality and

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<sup>2</sup> Davies, R. et al. (2011) An Anatomy of Economic Inequality in Wales (Cardiff: EHRC)

diversity issues. The Government argues that many 3<sup>rd</sup> sector organisations provide this and therefore, there is a risk of duplication. However, these organisations focus on distinct groups whilst the EHRC brings this work together and promotes social inclusion for all groups as a whole. In addition, the Grants programme offered by EHRC funds many of these 3<sup>rd</sup> sector organisations (e.g. All Wales Ethnic Minority Association (AWEMA), Citizens Advice Bureau, Stonewall Cymru, Race Equality First and more). The Government proposes to scrap the EHRC grant programme from March 2012. This will be replaced by a different funding stream but may not fund the necessary organisations.

**2. Do you agree that remodeling the duties at s.8 of the Equality Act 2006 to mirror the role and functions set out in para 1.9 of this chapter will help to focus EHRC on its core functions as an equality regulator? If not, what do you think EHRC's core functions should be?**

The Government proposes that the EHRC becomes a regulatory body, playing a major role in enforcing the Equality Act 2010. The Commission would promote awareness of the Act, provide examples of good practice, monitor compliance and evaluate effectiveness. We believe that this role is important and that the Commission is best placed to carry out this role. However, remodeling the duties in Section 8 whilst removing all duties in Section 3 means that certain areas of the Commission's remit would be lost entirely. The EHRC would no longer have a role to play in promoting equal opportunities.

**3. Do you agree with our proposal to amend the section 12 duty so that it:**

**a) specifies the aims and outcomes which EHRC is required to monitor progress against; and,**

We would agree that aims and outcomes should be defined in order to monitor progress over time. We believe that there should also be a mechanism to review the indicators against which progress is measured.

**b) requires a report every five rather than three years, to tie into the Parliamentary cycle and enable reports to capture meaningful change over time?**

We think that five years is too long to wait for progress reports but we also realise that three years is not long enough. Therefore, we would suggest that reports are produced every five years as proposed but information should be available, on request, to enable current and future policy makers to formulate strategy at appropriate times in the Parliamentary cycle.

**4. Do you agree that the proposals to focus the commission on its core functions, as well as the measures set out in Chapter 3 to increase the Commission's accountability for its performance, will help the Commission fulfill its human rights remit? If not, what further changes do you suggest?**

It makes sense that if the Commission's remit is narrowed, then it will be possible to provide a more focused service. However, it also means that some services will be lost. If the proposed changes are implemented, the Commission will cease promoting equality and diversity and equal opportunities. The Commission currently provides a quality advice and information service along with influential research. The proposed changes will affect these functions.

**5. Do you agree that we should remove the commission's good relations function and the associated power at section 19? If not, why not?**

The Commission's good relations function provides many useful services such as the Grants programme and research such as a map of gaps or triennial review. The Government is concerned about the potential for overlap with voluntary organisations such as Stonewall in promoting good relations. However, Stonewall is one of many third sector organisations receiving funding from the EHRC's grants programme which is to be stopped. It should also be acknowledged that the Commission's role is to provide the overarching "equality and human rights" picture as there will still be a need for specific agencies, representing marginalised groups, to implement their own good relations function.

## **Non-Core Activities**

**6. Do you think the Government should repeal the Commission's power to make provision for conciliation services, as part of the process of focusing the Commission on its core functions?**

The Government makes a good case for removing conciliation services from the commission's remit. Whilst this is a useful part of the EHRC's remit, if it is more cost effective to provide this through other agencies, then this seems sensible. The Government suggests that the National Mediation Helpline can provide the lost service and as this is the sole nature of their work, they may be able to offer this more effectively than the EHRC.

**7. Do you agree with the proposals set out to provide a new system of information, advice and support? If not, what changes to the system would you recommend?**

The EHRC in Wales offers specialist information, guidance and support that is specific to the region. The Commission is able to advise on Welsh policy and can offer a bi-lingual

service which is essential in Wales. Chwarae Teg believes this service should continue as EHRC Wales as it not only provides the above service to the wider community, but is able to consult pan-Wales to incorporate the cultural, social and economic diversity perspective when responding to UK consultations. To develop current provision, we believe that the EHRC could do more to engage with the private sector. The Commission works a lot with the public and voluntary sectors but more work needs to be done to educate private sector employers on equality and human rights issues.

## **8. What should a new citizen-focused, cost effective information and generalist advice service look like?**

In our view, a new citizen-focused service would incorporate several functions. These functions would include a web based information portal and a helpline. The facility should also be able to run regular conferences and events to disseminate information and bring stakeholders together. We hope that the EHRC will continue to run the Equality Exchange Network. These networks facilitate discussion amongst organisations which have at their heart the continuing improvement of equality and human rights citizen-focused services. This network is a key forum in Wales which allows public sector bodies and voluntary organisations to share and gather information. The EHRC generalist advice service is operational through its helpline. The helpline provides valuable advice and support for organisations and individuals. It is essential that, whatever format the service takes in the future, information and support is available in Welsh.

## **9. How can government best provide public education on discrimination and human rights, targeted on the most disadvantaged groups?**

It is essential to provide information at grass roots level through impartial organisations such as schools, Communities 1<sup>st</sup> etc. EHRC could provide resources similar to 'Dignity Drive' which can be used by schools, the careers service and other groups. Organisations can also make these resources available through their websites by uploading or providing links.

## **10. Is there anything that distinguishes discrimination cases from other cases eligible for civil legal aid that would justify further public funding for support?**

Civil legal aid is key to ensuring that those sectors of society which are "invisible" or do not have an advocacy service are treated fairly. Where there is need to pursue discrimination cases, access to civil legal aid should be available if all other forms of arbitration fail.

**11. Do you agree with the proposal for the Air Transport Users Council (AUC), part of the Civil Aviation Authority (CAA), to provide the complaints handling service for disabled passengers in the future? If not, why not?**

We agree that the Air Transport Users Council (AUC) is well positioned to handle complaints from disabled passengers as long as it has the resources required to provide this. We do, however, think that this change must be communicated to the stakeholder group and promoted regularly.

**12. How could the new Government funding stream most effectively support civil society organizations to promote equalities, human rights and tackle discrimination?**

We would be concerned if the EHRC Grants programme were to be dispensed with altogether. However, we consider it a responsibility of the Government, in close collaboration with the Commission, to ensure there is probity and transparency in the allocation of funds to those organisations that rely on funding to represent their members.

**Achieving Greater Value for Money and Accountability**

**13. Do you agree with our legislative proposals to increase the Commission's transparency, accountability and value for money?**

The Commission's recent review has identified the need to 'deliver value for public money' and to work closely with the devolved administrations of Wales and Scotland to deliver distinctive equality duties. We believe that the EHRC already provides good value for money. If the Commission has to submit its business plan before Parliament it will lose its independence.

**Our Approach to Reform and Next Steps**

**14. Do you agree with our approach of legislative and non-legislative reform?**

We agree with the approach in principle, in that we recognise the need to cut costs and manage budgets and, therefore, the need to review the EHRC's operations and focus. However, there is still a need to pay for essential services and the EHRC provides many of these and needs to be sufficiently funded to do so effectively. In our view, the Commission carries out extremely valuable work, particularly in Wales.

## *Final Comment*

The EHRC meets its remit to “promote and enforce equality and human rights in Britain” through regular newsletters and communication activities. The Commission keeps organisations, business, politicians etc. up to speed with current equality and diversity issues. The EHRC commissions research and provides access information, reports and toolkits to assist in the implementation of best practise and evidence-based policy making.

The Government recognises that the EHRC has a crucial role to play in implementing their own equality and diversity strategies. Even in times of particular economic hardship, neither Wales nor Britain as a whole wish to jeopardise its reputation of being one of the fairest countries in the world or go back on the progress it has made in recent times.

Chwarae Teg is committed to working with the EHRC at Wales and UK level to tackle discrimination and to ensure that women in Wales are treated with respect and dignity at all times.

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For further information from Chwarae Teg, please contact:

- Beverley Pold – [bev.pold@chwaraeteg.com](mailto:bev.pold@chwaraeteg.com)
- Christine O’Byrne – [christine.o’byrne@chwaraeteg.com](mailto:christine.o’byrne@chwaraeteg.com)
- [www.chwaraeteg.com](http://www.chwaraeteg.com)

Or,

Chwarae Teg  
Anchor Court  
Keen Road  
Cardiff  
CF24 5JW

02920 478900

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