

## **Equality Act 2010: Performance of the Public Sector Duties in Wales**

### **Chwarae Teg Consultation Response**

**December 2010**

#### *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 Assembly 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 Assembly 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 to progress into decision-making and leadership roles. We also work directly with employers, referral agencies and training providers to support the design of gender sensitive employment and training programmes. 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

## Opening Statement

Chwarae Teg welcomes the opportunity to comment on the proposed Public Sector Duties in Wales. We hope that the Equality Act 2010 will go a long way towards ensuring fairness for everyone in our society. The public sector duties will encourage the authorities to set an example to the private and voluntary sectors. They will also be able to drive much needed change through the procurement process. In order to prepare this response, we invited members of our networks to take part in a focus group on the public sector duties. This document presents the views of these network members.

We must celebrate the diverse nature of our society and make the most of the skills and talents of our people. In Wales, we have an ageing population with the **highest proportion of**

**over 60's** in the UK. 22% of the population have a disability and 2% are from ethnic minority groups. We hope that the public sector duties will encourage public authorities to plan their service delivery with these users in mind. The Equality Bill, along with the Welfare Reform proposals will encourage a culture that focuses on **ability instead of disability**; strengths and not weaknesses. Changes to the benefit system will see more people becoming active in the workplace and the **Big Society** aims to motivate all members of society to become more **involved in the community**.

*"Government departments can play an important role in creating a fair society in the way they provide services, through the jobs and training they offer, and the money they spend."*

(GEO, 2008)

*"We can drive progress in the private sector [...] using the spending power of the public sector to deliver greater transparency in the private sector" (GEO, 2008)*

The bill will force public authorities to collect data about the people living in the communities they represent. This will enable them to plan services that meet the needs of the people using them. Evidence suggests that those planning service provision within public authorities

often deliver for people similar to themselves. It is fair to say that the majority of these decision makers are men, whilst we know that **the majority of public service users are women**. Women account for 52% of the Welsh population and are more reliant on public services such as housing, transport and healthcare. For example, **41% of single women** rent social housing compared with **24% of single men**. The ratio of women to men increases with age as women have a longer life expectancy. Around 54% of over 50's are female and there are over 3 times as many females aged 90+ as males.

Measures under the Act will force authorities to collect data to find out exactly which groups of people are using the services and encourage planning that meets the needs of the users. The Act will also require public authorities to engage with service users. This means that decision makers can be clear about whether the services meet user requirements and how delivery can be improved.

### *Consultation Questions*

- 1. Do you think that presenting equality objectives in schemes will help improve transparency? Or should the requirement to retain equality schemes be removed?**

Chwarae Teg believes that the requirement to present equality objectives in schemes will indeed ensure transparency and accountability. The objectives enable organisations to clearly demonstrate the measures they are to put in place to address inequality.

- 2. We believe equality objectives should be kept under review by public authorities to ensure that they remain up to date and relevant. Do you agree that public authorities should be able to decide how often their objectives should be reviewed, or should public authorities be told how often reviews should be undertaken, say annually?**

We agree that equality objectives should be kept under review by public authorities. The monitoring of objectives will ensure that organisations keep these in mind and update them when necessary. Regular review also helps to monitor progress and identify any issues. **We believe that authorities should be told how often reviews should be undertaken so that there is consistency across the public sector.** We also agree that reviewing these on a **yearly basis** is sufficient and will allow this data to be incorporated into Wales Statistics for wider publication. Annual audits provide sufficient time for improvements to be put into place and monitored. Publicising results which ensure authorities are answerable to their electorate, we see as a valuable outcome.

- 3. Should we include detailed requirements about how public authorities should collect and report data in respect of pay differences or should the detail be included in guidance to be published after the regulations have been made?**

We believe that any detailed requirements about how authorities collect and report data on pay differences should be included in the guidance that goes alongside the

public sector duties. This means that the requirements can be flexible and amended at a later stage if necessary.

- 4. We have replaced the 150 employee level for imposing employment related reporting duties suggested during the Listening Exercise, in favour of a duty that protect personal information and confidence in accordance with the data protection Act 1998. Do you agree with this amendment?**

Chwarae Teg believes that it is important to protect personal information and so we support this amendment.

- 5. Should public authorities be required to collect data about their employees in respect of recruitment, training, disciplinary and pay to inform the development of employer related objectives?**

Chwarae Teg considers this to be a principle tenet of data management and would expect public authorities to adhere accordingly.

- 6. Do you agree that Welsh Ministers should report on implementation of the new general public sector equality duty as proposed, or should the reporting on implementation of the Disability Duty as required under current legislation remain unchanged or removed altogether?**

Chwarae Teg believes that Ministers should provide one report on the implementation of the public sector duty. In our view, any reporting on the Disability Duty should be part of this overarching report.

- 7. Should the report on the implementation of the general equality duty be published by the Welsh Ministers every three years as currently the requirement with the disability duty, or every four years reflecting the timeframe of the fixed term Assemblies?**

We believe that three years is a reasonable period to wait between reports on the general duty. This timeframe is long enough for improvements to be made but not so long that a lack of progress can go un-noticed. We believe that four years is too long a period to wait between reports.

**8. Do you think that specific public sector equality duties should be more, or less prescriptive? Or do you think the balance is about right?**

The duties need to be prescriptive to a certain extent in order to ensure consistency across organisations. The duties should not be too open-ended although there should be room for some discretion.

**9. We have proposed introducing these duties on 90 larger devolved public authorities in Wales. Are there any devolved Welsh public authorities that you think should be included, or removed from the list proposed at annex A? Please give your reasons.**

Careers Wales should be included in the list of public authorities because the organisation works in schools and colleges throughout Wales and has a responsibility to deliver fully inclusive services. Also, schools have been omitted and we believe that they are another service that should be accountable.

*Final Comment*

Chwarae Teg believes that requirements for equality objectives, engagement with service users and the provision of accessible materials are all positive steps that will help to make sure no one in our society is excluded in any way. We do not expect that this legislation will eliminate inequality alone but we do believe that the bill, along with the public sector duties, will drive a cultural change.

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