

Wales
impact
report
2020–21



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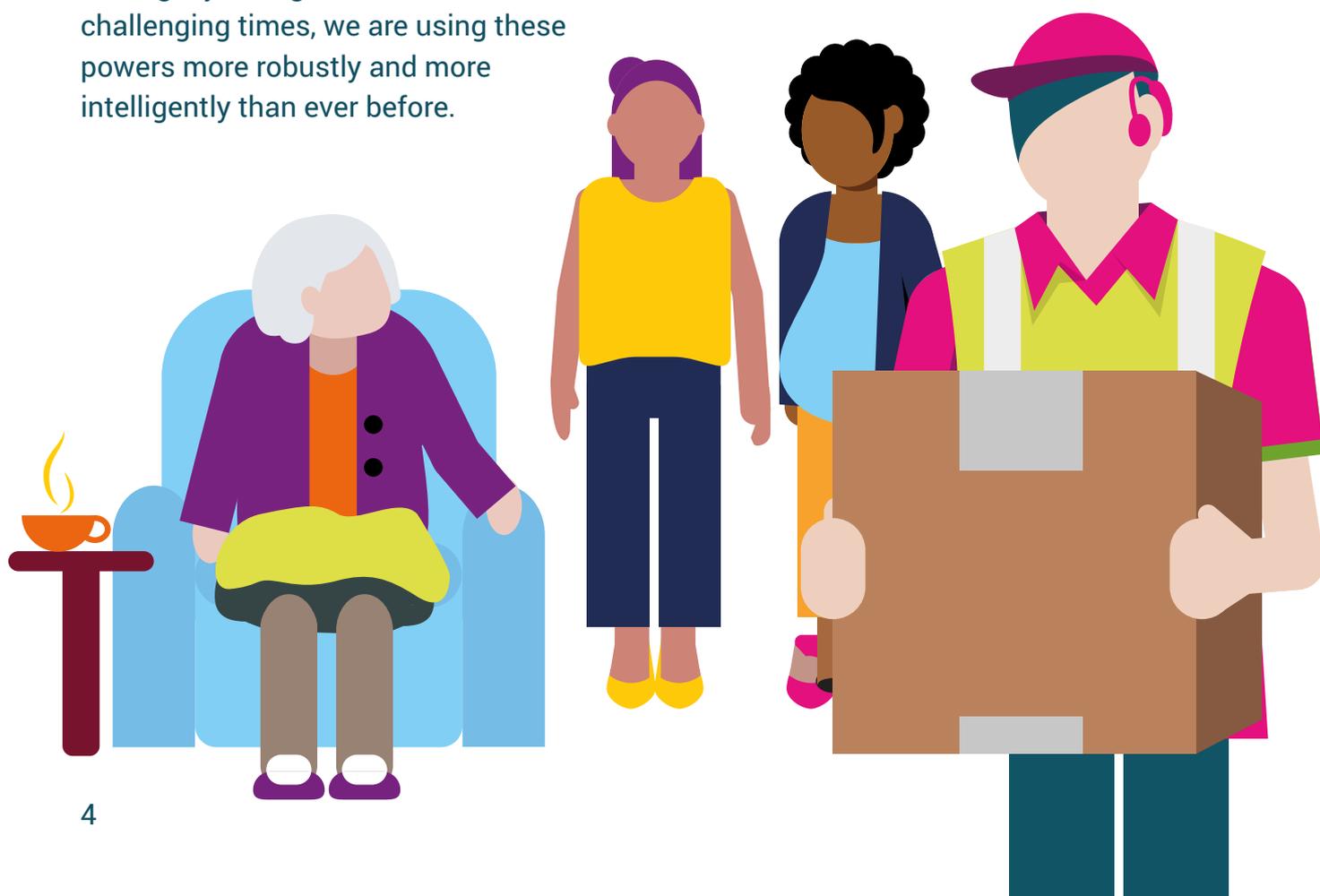
About us

The Equality and Human Rights Commission stands up for freedom, compassion and justice in changing times.

It's our job to put the important principles of equality and human rights into practice so that everyone in Britain can make the most of their rights, is treated fairly, with dignity and respect, and has the chance to lead a fulfilling life.

Our work is driven by a simple belief: if everyone gets a fair chance in life, we all thrive. Our unique legal powers allow us to tangibly change lives. In these challenging times, we are using these powers more robustly and more intelligently than ever before.

We work across Great Britain, identifying opportunities to advance equality and human rights in the specific contexts of Wales, Scotland and England. Our Wales Committee helps us to identify and maximise the unique strategic opportunities for change in Wales.



Foreword from the

Interim Chair of the Wales Committee



This year has been a year like no other. While the pandemic has touched all of our lives, its effects have not been felt evenly across our society.

Persisting inequalities have once again come to the fore and the greatest impacts have fallen on those who already experience disadvantage. We know that age, race, disability, poverty and overcrowding have increased people's vulnerability to coronavirus (COVID-19). Low-income households in Wales have been more likely to experience financial difficulties. Young people, women, disabled people and many ethnic minority groups are more likely to have experienced redundancy or reduced earnings. School closures have brought to light the socio-economic divide in educational attainment and a shortage of childcare provision has caused serious problems for working women in particular.

This crisis will cast a long shadow and our response will dictate its legacy for future generations. In addition to the global pandemic, the death of George Floyd in the United States and the increased profile of the Black Lives Matter movement have advanced the conversation about racial inequality and brought into focus the importance of equality and human rights for everyone's daily lives, in Wales and around the world.

I am proud of what we have achieved to prioritise and respond to the events of the last year. We have seen that the collective ability to deal with a crisis relies on creating a fairer society where people's life chances are not limited by their personal characteristics and circumstances.

We thank all our stakeholders for engaging with us during these challenging times and look forward to working with them all in the future to create a more equal Wales.



Martyn Jones JP
Interim Chair
of the Wales
Committee



About this report

This report reflects on the achievements made by the Wales team in the Equality and Human Rights Commission in 2020–2021.

Our work follows the goals and aims we set for ourselves in [our strategic plan for 2019–22](#) to ensure we protect and promote equality and human rights in Great Britain. Our [Business Plan 2020–21](#) also sets out what our aims were for this period.

In this report we give more detail about these achievements in relation to our [core aim and priority aims](#):

10 highlights from this year

Highlight 1

Took action to ensure that the Welsh Government and public bodies complied with the [Public Sector Equality Duty \(PSED\)](#) during the pandemic.

Highlight 2

Supported the implementation of the [Socio-economic Duty](#), working with the Welsh Government, the Office of the Future Generations Commissioner and Welsh public bodies.

Highlight 3

Launched an [inquiry into the experiences of low-paid ethnic minority workers in health and social care workplaces](#).



Highlight 4

Published a social care briefing on equality and human rights in residential care in Wales during the coronavirus (COVID-19) pandemic, to help decision makers and care providers meet their obligations and consider equality and human rights in their responses.

Highlight 5

Pressed the Welsh Government to make equality and accessibility a central part of the 2021 [Transport Strategy for Wales/ Llywbr Newydd](#) and meet the needs of disabled people using public transport.



Highlight 6

Made sure that the process for deciding GCSE and A Level grades during the pandemic was not unfair to students that already face disadvantage in education.



Highlight 7

Launched an [inquiry into the use of restraint in schools](#) and gathered a wealth of evidence and best practice case studies from schools and local authorities across Wales.

Highlight 8

Made sure that human rights protections and the international human rights framework were a key part of the curriculum for all learners in Wales to help future generations to understand, assert and defend their rights.

Highlight 9

Provided evidence to the United Nations Committee on the Rights of the Child to highlight the effect of the pandemic on the rights, wellbeing and future prospects of children in Wales, and an extensive series of recommendations for the Welsh Government to enhance and protect children's rights.

Highlight 10

Launched phase two of our [human rights tracker](#) to monitor how well the Welsh Government is meeting its international human rights obligations.



Core aim

Strong equality and human rights laws protect people, and data shows what is happening to people in practice

Upholding equality and human rights during the pandemic

Considering equality and human rights in decision making

The Welsh Government is required to publish Equality Impact Assessments as part of its legal obligation under the Public Sector Equality Duty (PSED). At times throughout the course of this year, when it came to decisions made in response to COVID-19, the Welsh Government did not publish such assessments routinely or in a timely manner. This created poor visibility and uncertainty as to whether equality and human rights standards were considered when deciding COVID-19 policy and legislation.

We took action to improve the Government's practice. We wrote to the Senedd Legislation, Justice and Constitution (LJC) Committee. Following our intervention, the LJC Committee scrutinised the Welsh Government about their compliance with the Welsh-specific duties of the PSED.

The Committee also raised the issue of Equality Impact Assessments in their reports on all subsequent legislation with equality implications. We also met with the Permanent Secretary of the Welsh Government to raise our concerns.

As a result of our actions, the Welsh Government reaffirmed its commitment to comply with the PSED. For each new set of COVID-19 regulations there has been an Equality Impact Assessment published on the Welsh Government website.

COVID-19 Moral and Ethical Advisory Group Wales

Martyn Jones, our Interim Chair, sat on the COVID-19 Moral and Ethical Advisory Group Wales. As part of this group we advised public services in Wales on how to consider moral, ethical, cultural and faith issues when delivering health and social care. We also gave advice on the social issues that have an impact on people's health and highlighted equality and human rights considerations. The group advised on a range of topics, and offered **guidance for healthcare services when making decisions during the coronavirus outbreak.**

Responding to threats to civil liberties

In May, we provided a briefing to the First Minister for Wales which outlined the unequal impact of the pandemic on older and disabled people, ethnic minorities, women, and people living with socio-economic disadvantage.

We urged him to place equality and human rights at the centre of the Welsh Government's response to the pandemic and ensure inequalities are not worsened by the current crisis, including as lockdown measures are relaxed. The Welsh Government has since committed to consider the impact on people with protected characteristics, children's rights, equality and human rights when forming their [coronavirus control plans](#).

Advice on discrimination for people shielding

We were concerned that people who are required to shield during the pandemic were more likely to be discriminated against when at work and accessing goods. However, the number of people accessing advice about discrimination on these matters in Wales was decreasing.

We advised the Welsh Government that all shielding extension letters should include information on how people can access advice if they believe they have been discriminated against.

In response to our advice, the Welsh Government's shielding letters, which went out to more than 130,000 people in Wales, included contact details for the Equality Advisory and Support Service and the Citizens Advice Bureau.

Responding to committee inquiries

We asked the Equality, Local Government and Communities Committee for [an inquiry into the equality and human rights impacts of COVID-19](#). We [gave oral evidence at a meeting of this Committee](#). We also [submitted written evidence to the inquiry](#). We highlighted the unequal impact of the pandemic on older and disabled people, women and ethnic minorities and the need for human rights to be at the heart of recovery plans.

Our evidence and recommendations were reflected in the Committee's correspondence to Ministers and in their report [Into sharp relief: inequality and the pandemic](#). The Welsh Government accepted these recommendations.

COVID-19 Black, Asian and Minority Ethnic Advisory Group

We attended and contributed evidence to the COVID-19 Black, Asian and Minority Ethnic advisory group's report to the First Minister, which was published on 22 June. The report references our convening powers and cites evidence from our research in [Is Wales Fairer? \(2018\)](#), [A Roadmap to Race Equality](#), and [Healing a Divided Britain](#). The report's recommendations will inform the Welsh Government's response to COVID-19 and their Race Equality Action Plan.

This report and our experience on this advisory group has helped to develop our work, including [our inquiry into racial inequality in health and social care workplaces](#). We have since engaged with individuals and organisations who have expertise on race equality in Wales, which has also influenced our work.

Ensuring compliance with the PSED

We took action to ensure all listed bodies in Wales were compliant with the PSED duties. We wrote to them, reminding them of their obligation to publish their [Strategic Equality Plans](#) and equality objectives by 1st October 2020. We also advised that they revisit their Strategic Equality Plans and equality objectives (ensuring in particular that the [duties to engage](#) and [use relevant equality information](#) are used) to make sure they remained relevant during the pandemic.

In July, we wrote to the chief executives of all 22 local authorities in Wales, reminding them of their obligations under the PSED. We urged them to ensure equality and human rights were central to their decision making as Wales moved out of lockdown. An accompanying briefing reflected the important equality issues for local authorities to consider when delivering essential services in key areas such as education, social care and the use of public spaces.

All Strategic Equality Plans were published ahead of deadline and we received a number of positive responses from public bodies, confirming that equality and human rights were being considered in their response to the pandemic and recovery planning.



We are reviewing the delivery of our Equality Objectives in light of the COVID-19 crisis, in reflection of the concerns you rightly raise that, without intentional action, the consequences of the pandemic could exacerbate and further entrench inequality in our society ... this is at the forefront of our minds in recovery planning and we will be taking all possible steps to support those most heavily impacted by this crisis.



Paul Orders, CEO of Cardiff Council

Influencing the Race Equality Action Plan for Wales

We shared a comprehensive briefing, based on robust evidence, with Welsh Government senior officials. It explained our priorities and recommendations for addressing structural race inequality in Wales. It included our action to eradicate racial harassment in universities and remove barriers to fair employment and career progression for ethnic minority workers, particularly in the social care sectors.

Our briefing has informed the strategic approach and priority areas in the Welsh Government's draft [Race Equality Action Plan programme](#), which now reflect the most significant inequalities faced by ethnic minorities in Wales.



Monitoring human rights

Part of our role as a National Human Rights Institution is to help people understand their rights, engage with United Nations human rights processes to assert those rights, and advocate for change in Great Britain. We also hold governments to account for complying with their human rights obligations, help shape laws, policies and attitudes that create stronger, fairer societies.

The human rights tracker

In December, we added new features to our online [human rights tracker](#): one of the world's first online tools for monitoring human rights compliance. These features analyse the progress made by the Welsh and UK governments towards fulfilling their international human rights obligations across a range of policy areas, including:

- health
- living standards
- education
- work
- access to justice, and
- political and civic participation.

Our tracker has been received positively by stakeholders from across Welsh civil society. It continues to help people understand the Welsh Government's actions and progress towards realising human rights.



The human rights tracker demystifies and grounds the lofty discussion of international human rights. It empowers the layperson to scrutinise governments and hold them to account. Excitingly, it also helps grassroots projects (or schools, or public bodies or charities of all sizes) see how their work links to, and can be strengthened by, international human rights frameworks, supporting rights to be realised on a very practical, local basis.

The UN has done much of the heavy lifting by setting out clear recommendations for the UK to achieve a better future – and now the EHRC's human rights tracker helps people monitor how well those recommendations are being implemented.



Councillor Mary Sherwood, City and County of Swansea Council



Training

In response to the COVID-19 pandemic, we launched an online training programme to introduce stakeholders to Wales' international human rights obligations and demonstrate how to use the human rights tracker as a tool for research and scrutiny.

In the last year, we have provided online training to more than 120 people from 32 different organisations across England and Wales. We have had a very positive response from participants, with 90% agreeing that they were likely to use the Tracker in their work in future.

Protecting human rights for children and young people

This year we [submitted evidence to the United Nations \(UN\) Committee on the Rights of the Child](#). Our submission expressed significant concerns about how the pandemic is affecting children's rights, their wellbeing and their future prospects. We highlighted concerns about growing levels of child poverty, mental health concerns and widening educational attainment gaps. The report provided the Welsh Government with an extensive set of recommendations to protect and enhance children's rights.

Our evidence influenced the list of priority issues that the UN Committee has asked the UK to report on as part of its obligations under the UN Convention on the Rights of the Child (UNCRC). This list of issues will inform the UN's examination of the UK and Welsh governments in 2022.

In July 2020, the Welsh Government made a statement that they would be 'reverting to the five-year reporting cycle' for publishing their compliance report under the Rights of Children and Young Persons (Wales) Measure 2011. In response, we wrote to the Deputy Minister for Health and Social Services, pointing out that the two-and-a-half year report was a requirement. The Government responded, [confirming that they would prepare the report in the usual timeframe](#).



Implementing the Socio-economic Duty

In our [Is Wales Fairer? \(2018\)](#) report, we recommended that the Socio-economic Duty be implemented in Wales. Since then, we have played a key role in advising the Welsh Government on its implementation. We informed the [Welsh Government's statutory guidance](#), which encourages public bodies to use [our measurement framework for equality and human rights](#) and [Is Wales Fairer?](#) reports to identify and track [inequalities of outcome associated with socio-economic disadvantage](#).

We also worked with the Welsh Government and the Office of the Future Generations Commissioner to produce [A More Equal Wales: mapping guide](#). This shows how public bodies can take forward the new duty in a way that aligns with existing legislation.

Our work with the Socio-economic Duty implementation board was influential in expanding the number of public bodies which are subject to the duty beyond health boards and local authorities, as was originally proposed. This has strengthened equality legislation in Wales.

To further support the implementation of the Socio-economic Duty, we undertook [research to understand how 24 bodies across Scotland and Wales are implementing, or preparing to implement, the duty](#). This research will help us to track progress over the coming years. We also convened roundtables to support senior public sector leaders with implementation and to share practice.

Raising awareness of the Equality Act 2010

We held three Equality and Human Rights Exchange events with stakeholders from 70 organisations across Wales to mark the 10th Anniversary of the Equality Act. We used these occasions to raise awareness of our [employer guidance](#) and interim report [How Coronavirus has affected equality and human rights](#).

We also introduced our inquiries into [challenging decisions about adult social care](#) and [racial inequality in health and socialcare workplaces](#). It gave us the chance to learn from stakeholders about the ongoing challenges they are facing and any opportunities that have emerged as a result of the ongoing pandemic.



Aim 1

People in Britain have equal access to the labour market and are treated fairly at work

Keeping people safe at work during the pandemic

We issued our [Coronavirus guidance for employers](#), which provides essential information on topics including discrimination, reasonable adjustments, and redundancy. The guidance informed the Welsh Government's [Keep Wales Safe at Work](#) guidance for employers and employees and was also listed on [Business Wales](#) website.

We held an online event in June entitled 'COVID-19 and the potential for discrimination in employment.' The event was attended by 31 legal advisors in Wales and raised awareness of what discriminating behaviour by employers might look like in the pandemic, and the options available to clients.

Upholding the rights of workers with protected characteristics

We submitted a response to the [Economy, Skills and Infrastructure Committee inquiry into the impacts of COVID-19](#). Our response highlighted the potential of the economic contract to drive inclusive growth, increase the availability of fair work, and to promote equality and human rights considerations in the workplace.

We reiterated the need for people with protected characteristics and socio-economically disadvantaged people to be at the heart of decision-making processes and to support the mainstreaming of equality into the Welsh Government's recovery policy and investment.

Our evidence was reflected in the Committee's recommendations to the Welsh Government in their [Long-term recovery from Covid-19 report](#).



Aim 2

Public transport supports the economic and social inclusion of disabled people and older people

Ensuring an inclusive public transport system for Wales

On the International Day of Disabled People 2020, we published our transport research report [Accessible public transport for older and disabled people in Wales](#). The report included findings from our analysis of key public transport strategies and policies, and evidence from focus groups with older and disabled people.

We recommended public bodies use the Public Sector Equality Duty to develop an inclusive public transport system in Wales. [Llywbr Newydd: the Wales Transport Strategy 2021](#) builds on our recommendations and includes accessibility as a key pillar. The Welsh Government also shared our research with Transport for Wales (TfW) to assist them in their preparations for the five-year National Transport Delivery Plan.

Making public transport safe and accessible in the pandemic

We advised the Welsh Ministers on what guidance to give transport operators during the pandemic. We made sure they understood their obligations under equality legislation and that accessibility for disabled and older people needs to be central to any operational changes. New sections were added to their guidance to make it clear that the law around accessibility, including the duty to make reasonable adjustments and the Public Sector Equality Duty, applies to public transport.

As members of the TfW Advisory group, we advised on the need to take into account the access needs of disabled travellers in return-to-work plans and related communications. TfW agreed to revise their business plan and terms of reference to better reflect the Public Sector Equality Duty.



Aim 3

People can access redress when they are wronged and have a fair trial in the criminal justice system

Improving access to justice

In April we released the findings from [our inquiry into whether the criminal justice system in England and Wales treats disabled people fairly](#). The inquiry considered whether the needs of disabled people are identified properly, and the types of adjustments being made accommodate their needs so they are able to participate in court processes and understand the charges they face.

Our inquiry report, [Inclusive Justice: a system designed for all](#), found that the justice system is not designed around the needs and abilities of disabled people. Reforms in England and Wales, including the digitisation of court systems, risk reducing participation further. We recommended that a clear evidence base on the impact of court reform for disabled defendants be established and that existing barriers for disabled people be addressed before further measures are introduced.

While criminal justice is not a devolved matter, the recommendations of the inquiry have significant implications for Wales and we have been working to ensure that this inquiry influences Welsh legal practice. We ran an online legal stakeholder event with 50 lawyers in Wales. We shared findings from our inquiry which highlighted the barriers to access experienced by disabled people, including those associated with remote hearings, and shared ideas for good practice. Attendees have confirmed that they've used the information from the event to make reasonable adjustments to subsequent remote hearings.



Aim 4

The education system promotes good relations with others and respect for equality and human rights

Securing a fair education system

The pandemic and intermittent closure of schools caused significant disruption to children and young people's education. Differences in support and access to remote learning disproportionately affected students who already perform less well than their peers. This threatened improvements made to attainment levels in recent years.

We submitted a response to the Children, Young People and Education Committee's [inquiry into COVID-19 and its impact on children and young people](#). We raised concerns and provided evidence on a number of issues, including:

- support for children with additional learning needs
- safeguarding
- remote learning and digital inclusion
- young people's mental health and safety, and
- assessments and qualifications.

Our evidence also reaffirmed the need for public bodies to adhere to the Public Sector Equality Duty (PSED) when making decisions.

[The Committee produced an interim report](#) as well as a [final report on the impact of COVID-19 on children and young people](#), both of which reflect [our evidence and recommendations](#).

Equitable awarding of qualifications

The closure of schools and other education settings led to the cancellation of exams scheduled for summer 2020. The Welsh Government decided to adopt a centre-assessed approach to children's grades.

Along with the Children's Commissioner for Wales, we shared concerns about the equity of this process. There was potential for conscious and unconscious bias in predicting exam results, which could have a worse impact on groups of students who already face disadvantage. We responded to a Qualifications Wales consultation on the arrangements for the summer 2020 exams.

Working with the Children's Commissioner for Wales, we wrote to the Education Minister to recommend that guidance for teachers be issued urgently to clarify how to minimise the risk of conscious or unconscious bias when predicting grades and ranking pupils. We urged that schools be reminded of their legal duties under the PSED.

As a result of our actions, [Qualifications Wales issued guidance for assessment centres and teachers](#) which explained their duties under the PSED and how to comply with them. [The WJEC provided additional advice for assessment centres](#) on how to make grading judgements objectively to minimise the risk of unconscious bias, and to include provision for reasonable adjustments where they are needed.

Monitoring attainment gaps

We advised Qualifications Wales, the WJEC and the Welsh Government to analyse attainment data to identify whether the approach taken had been fair to pupils with protected characteristics and allowed remedial action to be taken by those who needed it. In October, [Qualifications Wales published their analysis on attainment gaps](#). Taking a data-informed approach has helped to understand whether certain groups have experienced advantage or disadvantage through the assessment process, and what should be done to improve fairness for pupils in the future.

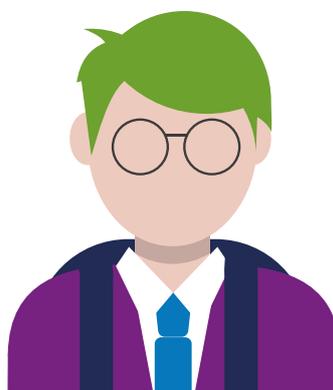
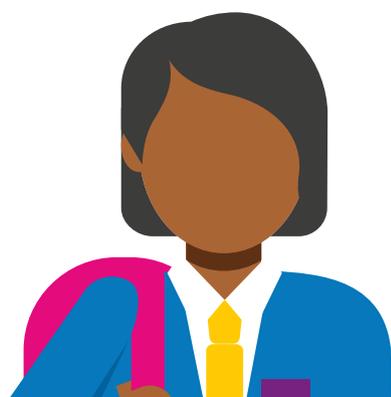
Supporting learning and improvement in assessment practice

Following our actions in 2020, we gave written and verbal evidence to the Independent Review of Qualifications in Wales to help advise the Education Minister on the approach for awarding qualifications in 2021.

[The Review produced an interim report](#) as well as a [final report on the arrangements for awarding qualifications](#). The reports reflect some of the key messages we shared with the panel and suggests how to learn from the experiences of 2020. We were cited as a key stakeholder that supported the education sector to assess impact meaningfully and mitigate the risks of any learners being treated unfairly.

We continued to provide support and challenge through our involvement in the Welsh Government's Learning, Qualifications and Progression, External Stakeholder Reference Group and Qualification Wales' 2020 and 2021 stakeholder groups. We also advised and provided a briefing for the [Welsh Government's Design and Delivery Advisory Group](#).

We developed specific guidance for assessment centres on how to meet their duties under the PSED. The guidance has been promoted on the Welsh Government's Hwb platform and in the WJECs training documents for schools and colleges.



Informing the new Curriculum for Wales

We took action to ensure that Wales' cultural and ethnic diversity is part of the new curriculum. [We submitted written evidence to the Children, Young People and Education Committee](#) to inform its Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill. In our submission we recommended that there be an explicit expectation in the new curriculum that all pupils engage in learning that reflects Wales' cultural and ethnic diversity. We also recommended close monitoring of attainment gaps between groups of pupils with protected characteristics during the implementation process. This will help assess the impact of the reforms and avoid worsening inequality and disadvantages. Both our recommendations were reflected in the [Committee's consultation report](#) and [accepted by the Welsh Government](#).

Teaching human rights.

We also took action to make sure that the curriculum for all learners in Wales includes an awareness and understanding of human rights protections and the international human rights framework. We recommended that human rights education be clearly defined and embedded in the Bill. This should include teaching children's rights with reference to the UN Convention on the Rights of the Child (UNCRC). Our recommendation was reflected in the Committee's consultation report and recommendations. However, we were concerned to see that the Stage 2 consideration of the Curriculum and Assessment (Wales) Bill, did not include any reference to the UNCRC. We wrote to the Education Minister and members of the relevant Senedd committees to raise our concerns about this and inform an amendment to the Bill.

As a result of our actions, an [amendment to the Curriculum and Assessment \(Wales\) Bill was passed at stage 3](#) which places a duty to promote knowledge and understanding of the UNCRC. It included the same duty for the United Nations Convention on the Rights of Persons with Disabilities. This applies to all those who provide teaching and learning for a curriculum created under this Bill. The amendment will make awareness and understanding of human rights protections and the international human rights framework a key part of the curriculum for all learners in Wales and help future generations to understand, assert and defend their rights.

Supporting legal work in the education sector

We have been working with legal stakeholders to build a series of cases that advocate for equality and human rights in the education sector. We responded to an allegation that a special school in mid-Wales had not allowed a learner with autism to bring their teddy bear to school because of COVID-19 safety procedures. The teddy is a transition object, vital for the learner's wellbeing and ability to carry out day-to-day activities. As a result of our actions, the school responded to demonstrate that they had considered the equality implications and amended their policy to allow the transition object in a safe way.

Aim 5

Rules and practice governing entry into, exit from and treatment in institutions respect equality and human rights standards

Protecting people's rights in social care

The COVID-19 pandemic has had a devastating impact on the social care sector and we have seen its consequences in care homes. We know that it has been challenging for people to access the support they need to enable their right to independent living. There has been significant pressure on the system and workforce, and consequently a rise in the number of unpaid carers.

Early in the COVID-19 pandemic, we had significant concerns about the experiences of older people, in particular those living in care homes. Working with the Older People's Commissioner for Wales, we issued a joint statement. We highlighted our concerns and challenged the Welsh Government and public bodies on whether they had met their responsibilities to uphold the human rights of older people and fulfilled their obligations under equality law. Our statement received national media coverage and helped to increase the profile of these important issues.

We scrutinised the inappropriate blanket-approach to healthcare decisions on issues such as:

- Do Not Attempt Resuscitation notices
- rules around care-home visits
- testing for care-home residents and staff, and
- discharging older people with COVID-19 from hospitals into care homes.



Informing the Welsh Government's care-home action plan

We published a briefing on [Equality and Human Rights in residential care in Wales during coronavirus](#), to support decision makers and providers to comply with their obligations and embed equality and human rights considerations into the ongoing response to the pandemic. We provided ongoing scrutiny and advice to the Welsh Government on complying with the law and ensuring the rights of older people were at the heart of decision making.



Thanks to our interventions, the Welsh Government's care home action plan and COVID-19 social care guidance documents reflected our advice, including a focus on the key issues we recommended should be addressed, a much stronger emphasis on equality and human rights obligations, and putting the rights of older people at the heart of decision making.

Advising on reforms to social care

We advised the Welsh Government on its proposed reforms to the social care system in Wales, sharing our views on the [Welsh Government's White Paper on Rebalancing care and support](#). The proposals were an opportunity to ensure that equality and human rights are central to social care practice in Wales. We recommended the legislation creates national equality and human rights outcomes in a new national commissioning framework and includes fair work principles for the social care workforce.

Our recommendations were noted in the Welsh Government's summary of responses and will inform the ongoing reforms to social care in Wales.

Reviewing the use of restraint in schools

We were made aware of the potential misuse of restraint in schools by reports from the parents of disabled children. In response to this we carried out an inquiry to find out how schools in England and Wales are monitoring, recording and analysing their use of restraint.

Our inquiry looked at primary, secondary and special needs schools. We gathered a range of evidence to help us understand: whether and how these schools are collecting, recording and using data on their use of restraint and restrictive interventions

1. whether and how these schools are collecting, recording and using data on their use of restraint and restrictive interventions.
2. what schools can learn from places that routinely record, monitor and analyse this data and use it to make changes to their approach.

Through extensive stakeholder engagement, we identified schools that routinely and effectively record, monitor and analyse restraint data, and use it to inform their approach. We gathered information from 15 authorities in Wales about their restraint recording policies and their collation of local data on the use of restraint. We also gathered detailed information from three schools in Wales to provide case studies showing the benefits of keeping comprehensive records to understand the use of restraint and develop positive behaviour support.

We found that restraint in schools should be monitored, recorded and analysed with the same rigour as school exclusions, to give greater understanding of:

- how, where, why and when restraint is used, and
- how its use can be minimised.

While some schools are doing their best to support their pupils, they need more help to understand:

- what constitutes restraint
- what they should record, and
- how analysis can help support pupils and staff.

We have published a [report about our findings](#), including our recommendations for Welsh Government, Estyn, local authorities and schools in Wales and the Welsh Local Government Association.



Developing a legal network in Wales



We wanted to establish a series of legal cases and increase knowledge of equality and human rights in the legal profession in Wales. We produced a guide to strategic litigation for organisations or networks who may use or support litigation for change in Wales. The guide was shared with our stakeholders.

In February 2020 we hosted a strategic litigation event with a keynote address from His Honour Judge Jarman QC. In October 2020 we [published a call to lawyers in Wales](#) asking ‘Do you have a legal case that could benefit from funding or intervention by the EHRC?’ These activities helped us publicise our work in Wales.

In March 2021 we hosted network meetings concerning the rights of disabled people, children and older people. These meetings brought together legal practitioners, academics and Commissioners to discuss how to clarify and strengthen the legal framework for equality and human rights in Wales, and promote alignment with the international human rights framework.

Events attended in 2020–21

We held several events hosted by Legal News Wales, including:

- A discussion of the findings from our inquiry into the criminal justice system in May 2020, which enabled lawyers to discuss their experience of remote hearings.

- A joint online event with Public Law Wales on 1 October 2020 to mark 10 years of the Equality Act 2010.

Our Wales lawyer spoke on a panel at the annual Legal Wales Conference, and also at the Young Legal Aid Lawyers Cymru launch event to discuss [access to justice and legal advice deserts in Wales](#). We also spoke online to law students at Aberystwyth, Bangor, Swansea and Cardiff universities to promote opportunities to work on equality and human rights in legal practice.

Recordings from these events have been viewed by many people and continue to be available to promote equality and human rights legal work in Wales.

Increasing awareness of equality and human rights

We have used the Legal News Wales website to publicise our legal work in Wales: for example, when we signed [a legally binding agreement with the Department of Work & Pensions](#) to improve workplace equality & diversity.

In September 2020, we delivered a ‘teach in’ training session on recent equality cases to more than 75 Welsh Government lawyers. We also introduced them to our [human rights tracker](#). This has increased awareness of equality and human rights across Welsh Government departments.

Our current and future work

Examining racial inequality in health and social care workplaces

In June 2020, we launched an inquiry into the experiences and treatment of ethnic minority workers in lower paid roles in the health and social care sectors. We want to understand how COVID-19 has affected them at work. We are looking at a range of factors, including:

- how many hours people work and what breaks they receive
- employment status and how many people have insecure or precarious work
- workplace policies on sickness and grievance
- opportunities for training and progression
- workplace culture
- knowledge of rights, and
- access to support.

We are also considering whether race, including any structural factors, immigration status and intersectionality between race and other protected characteristics contributed to any differences in treatment and experience.

The final report will be published later this year. We will engage with the Welsh Government and relevant stakeholders across Wales to elevate the voices of those affected and ensure that our recommendations deliver real change in Wales.



Challenging decisions about adult social care

We have launched an [inquiry into how older and disabled adults and unpaid carers can challenge local council decisions about social care and support in England and Wales](#). We want to understand people's experiences of challenging, or trying to challenge, local council decisions about adult social care or support.

We want to know whether:

- the existing ways of challenging decisions are effective and accessible
- people are given enough information about their rights to care and support, and how they can challenge decisions
- people can access high-quality advocacy support to help them challenge decisions
- local councils and other bodies learn from challenges to improve decision-making in future, and
- there are effective systems in place to check that decisions are made well the first time round.

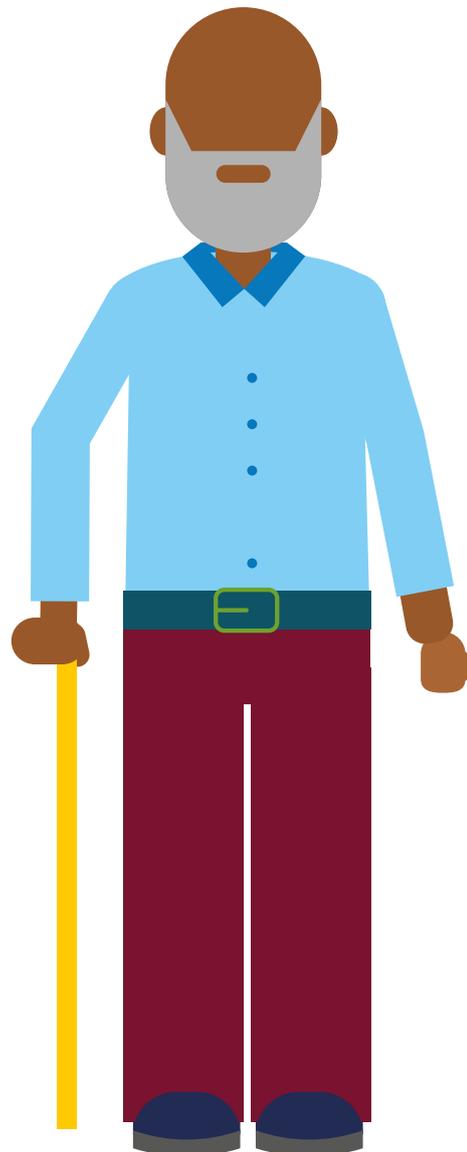


We've launched a survey to hear from those affected by these issues. We also want to gather evidence from:

- local councils
- ombuds
- legal advice and advocacy organisations, and
- voluntary-sector organisations and other experts.

We will publish our findings in an inquiry report in spring / summer 2022.

The need for reform and additional, sustainable funding for social care is widely acknowledged. We are considering how we can further support and inform the Welsh Government's reform plans over the coming year.



The Wales Committee

Our Wales Committee is a statutory decision-making body with duties and powers to advise devolved government, undertake research, provide education or training and give guidance and advice. It also advises us on the impact of our work in Wales.

In 2020–21, the Wales Committee members were:

Martyn Jones JP – Interim Chair of the Welsh Committee

Martyn is the Equality, Diversity and Inclusion Manager at South Wales Police and has previously been the CEO of the charities Learning Disability Wales and Diverse Cymru. He represents the Wales Committee on the Disability Advisory Committee. Martyn is the Interim Chair of the Wales Committee while the appointment of a Wales Commissioner is under way.

Rocio Cifuentes

Rocio is the Director of Ethnic Youth Support Team (EYST), an organisation supporting ethnic minority young people, individuals and communities across Wales.

Geraint Hopkins

Geraint is Cabinet Member for Adult and Children’s Community Services for Rhondda Cynon Taf County Borough Council. He is Chair of the National Adoption Service Governance Board and is the Deputy Spokesperson for the Welsh Local Government Association for Children’s Social Services.

Grace Quantock

Grace is a psychotherapeutic counsellor, writer and non-executive director for Wye Valley NHS Trust and Social Care Wales.

Dr Alison Parken OBE

Alison is an Honorary Senior Research Fellow at the Cardiff Business School, and an independent research consultant. She was awarded an OBE for services to equality and diversity.

Mark Sykes

Mark retired in 2017 after a 35-year career in Human Resources and Organisational Development in public and private sectors. He was formerly the Assistant Director for Organisational Development at Betsi Cadwaladr Health Board. Mark volunteers with the homelessness charity Crisis.

Beth Thomas

Beth is Head of Partnerships and Programmes at The Big Issue, and was until recently a Trustee of Street Football Wales and ELITE Supported Employment.

Faith Walker

Faith has more than 20 years’ experience working alongside communities. She is a qualified Youth and Community practitioner. She brings a community development perspective to the Committee.

Contacts

This publication and related equality and human rights resources are available from [our website](#).

Questions and comments regarding this publication may be addressed to: correspondence@equalityhumanrights.com. We welcome your feedback.

For information on accessing one of our publications in an alternative format, please contact: correspondence@equalityhumanrights.com.

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EASS

For advice, information or guidance on equality, discrimination or human rights issues, please contact the [Equality Advisory and Support Service](#), a free and independent service.

Telephone 0808 800 0082

Textphone 0808 800 0084

Hours 09:00 to 19:00 (Monday to Friday)
10:00 to 14:00 (Saturday)

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