

Is Wales Fairer?

The state of equality and
human rights 2015



Comisiwn
Cydraddoldeb a
Hawliau Dynol

Equality and
Human Rights
Commission



Contents

Foreword.....	3
Introduction.....	4
Key challenges summary	5
Evidence and data gaps.....	6
Context.....	7
Challenge 1: Close attainment gaps in education.....	10
Challenge 2: Encourage fair recruitment, development and reward in employment.....	13
Challenge 3: Improve living conditions in cohesive communities.....	16
Challenge 4: Increase access to justice and encourage democratic participation.....	19
Challenge 5: Improve access to mental health services and support people experiencing poor mental health.....	21
Challenge 6: Prevent abuse, neglect and ill-treatment in care and detention.....	23
Challenge 7: Eliminate violence, abuse and harassment in the community.....	25
Next steps.....	28
More detailed information	28
References	29

Our mandate

Parliament gave the Commission the mandate to challenge discrimination, promote equality of opportunity and to protect and promote human rights.

Our mission

A catalyst for change and improvement on equality and human rights.

This report

This report summarises the evidence for Wales gathered as part of the Commission's five-yearly statutory report on equality and human rights progress in England, Scotland and Wales. Based on the evidence the report identifies the key challenges for Wales.

December 2015

Foreword

We have a duty to report regularly on the extent to which equality and human rights are improving in Britain. This is our report on progress in Wales. It brings together evidence to answer the question as to whether Wales is fairer today than it was when we published our first review five years ago.

We've looked at all of the important areas of life such as health, education, work, justice and individuals' role in society and the changes that have taken place in each of these.

It is important for all of us to understand where inequalities and human rights abuses are happening so that efforts and resources can be focussed where they are most needed.

Evidence suggests that inequality damages the economy and society as a whole. Everyone is affected whether or not we experience discrimination in our daily lives. That's why this review, and the detailed evidence it is based on, is so relevant to all of us in the public, private and third sectors across Wales.

In this report we identify a number of key equality and human rights challenges for Wales. Clarity on these challenges and collaborative action to address them is essential to the prosperity and well-being of everyone living and working in Wales.

We want this report to be a catalyst for change – a means of generating action and partnerships that can eradicate the inequalities and human rights abuses we've identified.

Our aim is that everyone has the opportunity to realise their full potential and to flourish.

We hope that you, and your organisation, will take action to address the challenges we set out here.

We welcome the opportunity to work with you to increase the rate of progress towards a fairer Wales and improve the prospects of future generations.



Ann Beynon
Commissioner for Wales

Kate Bennett
National Director for Wales

Introduction

The Equality Act 2006 placed a duty on the Commission to report regularly on the extent to which equality and human rights are improving in Britain.

In October 2015 we published **Is Britain Fairer?** our report on progress since 2010. In preparing the report, evidence was gathered and analysed across 10 areas: education; standard of living; productive and valued activities; health; life; physical security; legal security; individual, family and social life; identity, expression and self-respect; and participation, influence and voice.

For each of these a detailed evidence paper was published at the same time as **Is Britain Fairer?**. These can be found on our website and include Wales data.

When deciding what to include from the evidence papers we used three criteria:

- the degree to which there has been change over time.
- the extent to which a specific group was affected.
- the scale of impact on life chances.

Is Wales Fairer? provides a short summary of evidence for Wales and, based on this evidence, the key challenges that require action here.

Is Wales Fairer?

In assessing whether Wales is fairer we have found that compared to five years ago:

- There are a few improvements, for example, a reduction in hostility towards lesbian, gay and bisexual people.
- In areas of life such as education and employment significant inequalities remain between different groups of people.
- Young people are significantly worse off in many ways including income, employment, poverty, housing and access to mental health services.

Key challenges

Our analysis has identified seven key challenges that need to be addressed in Wales over the next five years. These are major, entrenched inequalities and human rights abuses that will require substantial efforts of public, private and third-sector organisations and of individuals to reduce them.

We encourage everyone who wants to make Wales a fairer country to respond to the key challenges.



Key challenges summary

- 1. Close attainment gaps in education.**
 - Close attainment gaps by raising standards of children receiving Free School Meals, children with Special Educational Needs (SEN), looked-after children and Gypsy and Traveller children.
 - Reduce exclusions from school and reduce bullying.
- 2. Encourage fair recruitment, development and reward in employment.**
 - Increase the employment rates of young people, disabled people, ethnic minority people and Muslim people.
 - Close pay gaps focusing on young people, ethnic minority people and women.
- 3. Improve living conditions in cohesive communities.**
 - Reduce poverty especially amongst children, disabled people and ethnic minority people.
 - Improve access to care for older people and children.
 - Reduce homelessness, especially for people fleeing domestic abuse and people with poor mental health or learning disabilities.
- 4. Increase access to justice and encourage democratic participation.**
 - Ensure equal and effective access to civil justice for everyone.
 - Improve political and civil participation and increase diversity in public life.
- 5. Improve access to mental health services and support to people experiencing poor mental health.**
 - Improve access to mental health services.
 - Reduce the rate of suicide especially amongst men.
- 6. Prevent abuse, neglect and ill-treatment in care and detention.**
 - Prevent abuse, neglect and ill-treatment of children and older people in hospitals and care homes.
 - Protect human rights of people held in detention.
- 7. Eliminate violence, abuse and harassment in the community.**
 - Eliminate the incidence of violence, abuse and harassment particularly against women, disabled people, ethnic minority people, Muslim people and lesbian, gay, bisexual and transgender people.

Evidence and data gaps

Is Britain Fairer? is based on an extensive and rigorous process of gathering and analysing evidence across ten key areas of people's lives such as education, health and standard of living. The collection of evidence was done for the whole of Britain including, where available, disaggregated data for Wales, Scotland and England. The core quantitative data we use covers the period 2008 to 2013. This has been supplemented by some more recent quantitative and qualitative evidence.

The Commission sought stakeholder views at round-table discussions and conferences to test and verify findings.

In undertaking this review, it is clear that more comprehensive and better quality evidence is needed to enable us to assess progress.

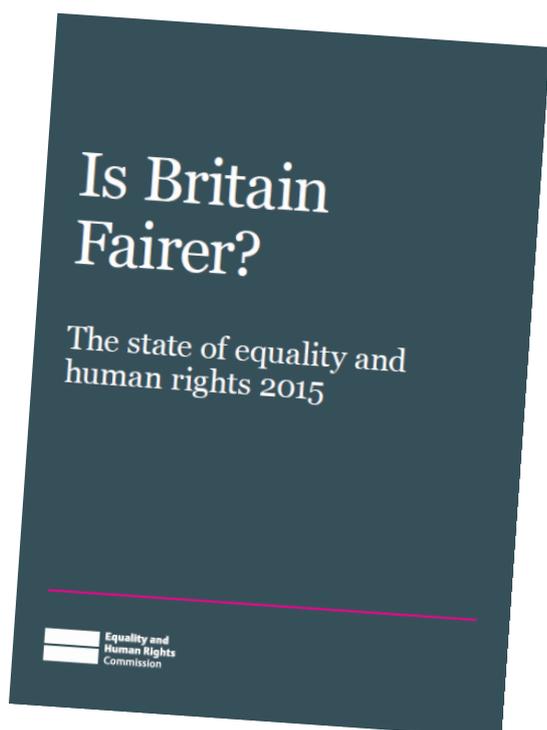
Sometimes the data is not available at all, and it is often impossible to undertake a more sophisticated assessment of key areas of disadvantage, for example, where people's characteristics intersect.

Some small groups of people such as those aged over the age of 80, transgender people, Gypsies and Travellers, children and young people affected by abuse and exploitation, are often invisible in the data.

The Welsh Government and public authorities in Wales should take steps to improve the evidence collected.

In this report, all evidence cited is for Wales unless otherwise stated. Data has been sourced from **Is Britain Fairer?** and its accompanying reviews of evidence.

Notwithstanding some data gaps, **Is Wales Fairer?** provides a clear, evidence-based assessment of where there has been progress, where we have fallen back and where there has been no change at all.



Context

Changes in equality and human rights in Wales have taken place alongside substantial changes in Wales' population, economy and society. In addition, there have been legislative changes in the UK and Wales.

Economy

The most significant economic events of the period were the recession, subsequent recovery and the associated reductions in public spending.

The UK economy shrank by 2.3% in the final quarter of 2008 during a recession that lasted for about a year. Growth resumed towards the end of 2009 but the recovery was protracted and interrupted by brief periods of decline in 2012. In Wales, the recession was more severe initially than elsewhere in Britain and the recovery has been weaker than in England.

The recession affected employment, with an initial reduction in the number of jobs followed by slow recovery. The recovery was accompanied by shifts in the labour market with an increase in part-time, temporary working, zero hour contracts and self-employment.

The impact of the downturn was a substantial increase in the budget deficit and public sector debt. In 2010, the UK Government pledged to achieve a balanced current budget by 2015-16 and to reduce the public sector net debt.

The UK Government decided to try to achieve these objectives mainly by reducing public spending.

The UK Government's fiscal contraction affected the Welsh Government's budget. Between 2009/10 and 2013/14, total identifiable public expenditure on services in Wales fell in real terms by £822 million, a fall of 2.58% (HM Treasury, 2015).

Society

Wales changed during the period. The population increased by about 66,000 people between 2008 and 2014 because of an excess of births over deaths and in-migration from elsewhere in the UK and overseas.

Other social changes included:

- An ageing population, with median age increasing to 42.1 years in 2014 (the highest in Britain).
- The proportion of the population identifying as White declined between 2001 and 2011, from 97.9% to 95.6%.
- The number of marriages increased and the number of divorces has fallen. Civil partnerships increased and same-sex marriage was introduced.
- More people than ever before said they have no religion.



Political context

There has been a great deal of political change affecting Wales. In the last five years two general elections have brought changes in the UK Government. The 2011 National Assembly for Wales's elections replaced the Labour – Plaid coalition with a Labour minority government. There were European Parliamentary elections, local government elections and elections for Police and Crime Commissioners.

Ministerial responsibility for equality matters in Wales has changed over the period. Following the 2011 National Assembly for Wales' elections, responsibility for equality became part of the portfolio of the Minister for Finance and Leader of the House. It then became the responsibility of three successive Ministers for Communities and Tackling Poverty.

Equality and human rights were the subject of several inquiries by National Assembly for Wales Committees. These included investigations into the future of equality and human rights in Wales, disability harassment, human trafficking, home adaptations, wheelchair availability and the educational outcomes of children from low-income households.

There have been changes in the devolution settlement. In 2011 a referendum granted the Assembly full law-making powers in its areas of responsibility.

A UK Government Commission (the Silk Commission) reported on the Assembly's tax and borrowing powers, with most recommendations being included in the Wales Act 2014.

The Commission then reported on the Assembly's powers, and recommended that a model closer to the reserved powers model already applied to Scotland should be looked at for Wales. This has some implications in respect of equality and human rights. The draft Bill was published in October 2015.

Legislative context

Key UK legislation, such as the Human Rights Act (1998) and the Equality Act (2010), applies in Wales. In the last five years legislation has created new crimes of forced marriage, stalking, and female genital mutilation as well as allowing same-sex marriage.

In Wales, human rights and equality are strengthened by the Government of Wales Act 2006 which stipulates that a provision of an Act of the Assembly is outside the Assembly's legislative competence if it is incompatible with the European Convention on Human Rights, and that Welsh Ministers cannot act incompatibly with these rights.

The Assembly introduced several key pieces of devolved legislation (called 'measures' up to 2012) which included:

- The Rights of Children and Young Persons (Wales) Measure (2011) provides a statutory duty for Welsh Ministers to have due regard to Part 1 of the UN Convention of the Rights of the Child.
- Children and Families (Wales) Measure 2010 provides a legal basis for the Welsh Government's commitment to eradicate child poverty and to reform arrangements for childcare.

- Carers Strategies (Wales) Measure 2010 placed a duty on the Welsh NHS and local authorities to work together to create joint strategies for carers.
- Mental Health (Wales) Measure 2010 extended the provision of mental health advocacy and widened access to mental health services.

More recent legislation with significant equality and human rights elements includes the Social Services and Well-being (Wales) Act 2014, Education (Wales) Act 2014, Housing (Wales) Act 2014 and the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

These economic, political and legislative changes are the context in which to consider whether Wales is fairer compared with five years ago.



Challenge 1: Close attainment gaps in education

Priorities

- **Close attainment gaps by raising standards of children receiving Free School Meals, children with Special Educational Needs (SEN), looked-after children and Gypsy and Traveller children.**
- **Reduce exclusions from school and reduce bullying.**

The proportion of pupils achieving five or more GCSEs at grades A*-C including Maths and English or Welsh has increased from 47% in 2008/09 to 53% in 2012/13. While this is welcome, there has been little reduction in inequalities between different groups and for some groups the gap has widened.

Attainment

There are some children whose attainment of five or more GCSEs at Grades A*-C, including Maths and English or Welsh, remains strikingly low:

- Gypsy/Roma children 13% 2013/14
- looked-after children 17% 2013/14
- children with Special Educational Needs 17% 2012/13
- children eligible for Free School Meals (FSM) 26% 2012/13

Attainment gaps widened between:

- children without SEN and those with SEN

Broadly similar improvements in attainment mean substantial gaps have remained between:

- boys and girls
- pupils eligible for FSM and pupils not eligible for FSM
- ethnic minority pupils and White pupils.



Table 1 Percentage of pupils achieving five GCSEs at Grade A*-C including Maths and English or Welsh, 2008/09 and 2012/13

		2008/09	2012/13	Change (percentage points)
All		47.2	52.7	5.5**
Gender	Boys	43.3	48.7	5.4**
	Girls	51.3**	57.0**	5.7**
Disability	Pupils without SEN	54.8	63.2	8.4**
	Pupils with SEN	12.6**	16.8**	4.2**
Socio-economic group	Pupils Not Eligible for FSM	52.0	58.5	6.5**
	Pupils Eligible for FSM	20.1**	25.8**	5.7**
		2009/11	2011/13	
Ethnicity	White	49.2	51.6	2.4**
	Indian	53.6	60.0**	6.4
	Pakistani / Bangladeshi	47.2	51.2	4.1
	African/Caribbean/Black	37.0**	41.4**	4.4**
	Mixed	49.6	53.6	4.0
	Other	53.8**	56.4**	2.6

Reference groups are emboldened. ** = statistically significant at $p < .01$ (two-tailed), * = statistically significant at $p < .05$ (two-tailed). Ethnicity is shown as a comparison of two three-year averages. Data source: Welsh Government (2012), Academic achievement by pupil characteristics 2011, SB27/2012; Welsh Government (2013), Academic achievement by pupil characteristics 2013, SB29/2014; and Welsh Government (2014), Academic achievement and entitlement to free school meals 2013, SB3/2014. | Unweighted base: 2009 (37,607), 2013 (36,617) | IBF reference table: CE1.5

Safety, security and emotional health at school

Between 20% and 50% of pupils in Wales are estimated to have experienced bullying at some point in their school lives (Estyn, 2014). Bullying is a particular risk for:

- pupils with Special Educational Needs
- disabled pupils
- lesbian, gay, bisexual and transgender (LGBT) pupils
- ethnic minority pupils
- pupils from a religious background

Instances of bullying were found to be higher in secondary schools and cyber-bullying remains a concern.

An Estyn report drew attention to wide variations in pupils' experiences of bullying and schools' actions to deal with it. Many schools' strategic equality plans did not 'pay attention to the full range of protected characteristics'. Schools' awareness and understanding of bullying and their policies and procedures was often found to be weak (Estyn, 2014).

Exclusion from school

There is a strong correlation between exclusion from school and low attainment. Overall the proportion of pupils excluded from school in Wales (permanent or fixed term) decreased from 47.6 per 1000 pupils in 2008/09 to 39.3 in 2012/13 (Welsh Government, 2014a).

There has been some reduction in exclusions of boys compared with girls and between pupils eligible for FSM and pupils not eligible, although the gaps between the groups remain large.

In 2013/14 71 children per 1000 eligible for FSM were excluded for five days or less compared with 17 per 1000 of pupils not eligible for FSM (Welsh Government, 2015c).

There have been reductions in the exclusion rate amongst all ethnic groups.

However, while the exclusion rate for pupils without SEN decreased, that for pupils with SEN did not change significantly, so the gap has widened.

Table 2 Exclusions (fixed period or permanent) per 1000 pupils 2008/09 and 2012/13

		2008/09	2012/13	Change
All		47.6	39.3	-8.3**
Gender	Boys	71.3	58.9	-12.4**
	Girls	23.1**	18.7**	-4.4**
Ethnicity	White	47.0	39.2	-7.8**
	Asian	24.5**	13.9**	-10.6**
	Black	96.3**	42.8	-53.5**
	Mixed	55.6**	37.7	-17.9**
		2009/10	2012/13	
Disability	Pupils without SEN	30.1	20.1	-10.0**
	Pupils with SEN	98.2**	96.5**	-1.7
Reference groups are emboldened. ** = statistically significant at p < .01 (two-tailed), * = statistically significant at p < .05 (two-tailed) Source: Data extracted from Welsh Government (2014), Exclusions from Schools Unweighted base: Not reported in original data IBF reference table: CE2.10				





Challenge 2: Encourage fair recruitment, development and reward in employment

Priorities

- **Increase the employment rates of young people, disabled people, ethnic minority people and Muslim people.**
- **Close pay gaps focussing on young people, ethnic minority people and women.**

The recession and recovery have brought little reduction in previous inequalities, and new inequalities have emerged.

There is increasing recognition of human rights violations arising as a result of trafficking including forced labour, servitude and exploitation.

Employment and unemployment¹

The employment rate was unchanged in 2013 compared to 2008, but the unemployment rate has increased significantly as more people have moved into the jobs market. The effect is that inequalities by gender, disability, ethnicity and socioeconomic group, identified in our How fair is Wales? report 2011, have persisted. Inequalities between young people and other age groups have increased.

For women and men there was no significant change in either employment or unemployment over the period as a whole, so that the long-standing gender gaps remained.

For disabled people, less than half (42%) were in employment in 2013 compared with nearly three-quarters (71%) of non-disabled people. Disabled people's unemployment rate rose, however, to nearly one in eight.

Amongst ethnic minority groups, static employment rates meant that substantial gaps between ethnic minority and White people persisted - 51% compared with 72%. Unemployment for most ethnic groups rose over the period.

¹ Employment rate: the number of people in employment as a percentage of the population.

Unemployment rate: the number of people not currently in a job as a percentage of the 'economically active' population (those who are able and available for work; not those who are not working through sickness, disability or studying).

Similarly, differences in employment between socioeconomic groups have remained unchanged with the lowest employment rates amongst those who have semi-routine and routine occupations (such as van drivers, cleaners and waiters) at 80% in 2013.

Unemployment was higher for nearly all socioeconomic groups compared with the higher professional and managerial group in 2013, as it was in 2008, but there was no change over time.

Young people's employment has decreased markedly while employment rates amongst older age groups increased, creating a substantial gap between younger and older people. At the same time, unemployment amongst 16-24 year olds increased so that they are now more than four times as likely to be unemployed as those aged 35-54.

In Wales in 2008 and 2013 Muslims had the lowest employment rate of any group.

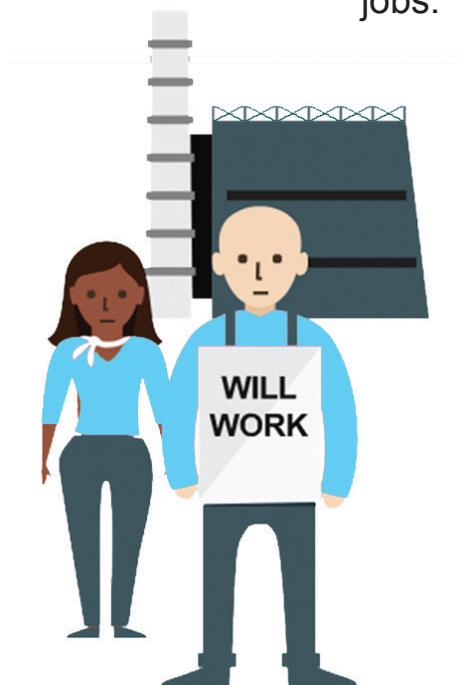
Pay gaps

Over the five years to 2013 average pay in real terms fell for all age groups below age 65.

The gender pay gap narrowed from 20% to 17%. The gap narrowed because men's average pay declined more than women's.

In Wales pay gaps widened for young people, ethnic minorities and people from lower socioeconomic groups compared with some other groups. Young people were the lowest paid of all by 2013, with average earnings of £6.50 an hour compared with 35-44 year olds average pay of £11.20 an hour.

In Britain, White people continued to earn on average 50 pence an hour more than ethnic minorities. In terms of socioeconomic group, pay of those in routine occupations fell the most – by £1.10 an hour to £7 an hour in 2013. There was no decrease in average pay for higher professional and managerial jobs.



Occupational differences

The strong educational performance of girls has not translated into rewards in the workplace with women's employment continuing to be concentrated in low wage sectors.

There was no overall improvement in representation in senior roles. Women and ethnic minority people remain less likely to be in senior roles.

While the proportion of women in senior positions improved in some sectors, such as education, it deteriorated in others such as the NHS and the police.

Discrimination at work

In Britain around one in nine pregnant women or new mothers (11%) were dismissed, made compulsorily redundant or treated so poorly they felt they had to leave their job (Department for Business, Innovation and Skills and Equality and Human Rights Commission, 2015).

Trafficking, forced labour, servitude and exploitation

In Wales, the number of adults, children and young people that were reported to be victims of trafficking almost doubled between 2012 and 2014, up from 34 to 70 reported cases (National Crime Agency, 2015). Most of the people affected were adults and were non-UK nationals. The increase occurred for both genders.

In 2014, one person was convicted of forced or compulsory labour in Newport and in 2015 South Wales Police's Operation Fulcrum identified 13 victims of suspected forced labour.

Concerns remain about missed opportunities to prosecute those involved in trafficking, lack of defence from prosecution for victims vulnerable to slavery, and limitations on escape from slavery for Overseas Domestic Workers.





Challenge 3: Improve living conditions in cohesive communities

Priorities

- Reduce poverty especially amongst children, disabled people, and ethnic minority people.
- Improve access to care for older people and children.
- Reduce homelessness, especially amongst people fleeing domestic abuse and people with poor mental health or learning disabilities.

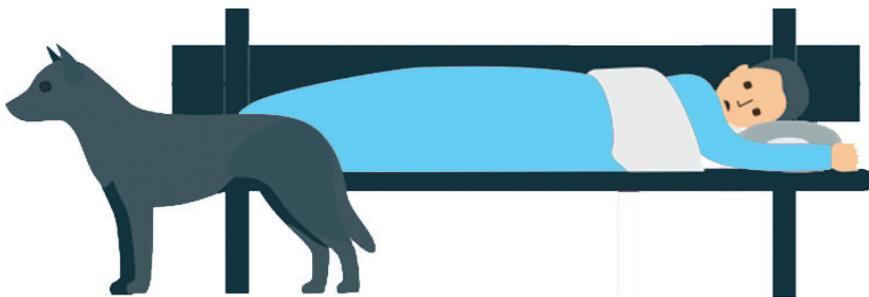
Since 2008 there has been no reduction in inequality in living conditions. Poverty continues to affect some people disproportionately. Access to care continues to be difficult. Homelessness has declined, but some groups of people are more likely to be homeless than others.

Income and poverty

There has been no change in the proportion of people in Wales who live in poverty in 2012/13 compared with 2007/08² - nearly one in four (23%) people. There was no statistically significant change in the poverty rate for almost all groups of people. As a result high levels of poverty have persisted for:

- Children - 32% lived in poverty in 2012/13, with even higher rates for children aged 0-4 (42%). Girls (38%) were more likely to be living in poverty than boys (26%).
- Disabled people - 27% in 2012/13.
- Ethnic minorities - 38% in 2012/13.

There was a marked increase in poverty amongst people in some socioeconomic groups. People with routine or semi-routine occupations (such as security guards, receptionists, sales assistants and labourers) were three times as likely to live in poverty in 2012/13 as those with professional and managerial jobs.



² Measured as having a household income of less than 60% of the contemporary median, after housing costs.

Welfare reform in 2012 brought numerous changes to social security benefits which are not yet reflected in the data on poverty. Research commissioned by the Welsh Government, and undertaken by the Institute for Fiscal Studies, identified those most affected by the changes as working-age disabled households, non-working households especially those with children, and lone parent households (Phillips, 2014). There were concerns about the impact on women of aspects of Universal Credit, such as one payment of benefit per household or couple. Further changes to benefits were announced in the summer 2015 budget.

Access to care and childcare

The Care and Social Services Inspectorate Wales (CSSIW) has pointed to a year on year drop in the rate of older people being supported to live in care homes from 22.8 per thousand in 2008/09 to 19.8 per thousand in 2013/14. At the same time there was a significant drop in the rate of those supported to live in the community – down from 88.6 to 74.5 per thousand over the same period (CSSIW 2014a).

It is not clear whether the change is the result of a successful strategic shift to preventative services. CSSIW note that little had been done to evaluate the experience of people living without local authority support.

Access to childcare in Wales has increased slightly since 2008/09, with a 2% increase in the total number of childcare places for under eights over the period (CSSIW, 2014a). Provision is patchy: supply in the South Wales valleys and in parts of rural Wales is poor, with Blaenau Gwent having half the number of places per 100 children as in the Vale of Glamorgan or Monmouthshire.

Access to childcare is difficult for parents of disabled children and parents with atypical work patterns. On average childcare for under-two year olds costs £104.32 a week for 25 hours of nursery care and £96.81 a week for 25 hours of childminder care (Rutter, 2015).

In Britain some children in the care system and in custody are allocated placements far from home, making it difficult for them to access friends, relatives and their local support networks (Department for Education, 2014).

Access to housing

A lack of data means that it is not possible to monitor changes in conditions in all types of housing. The proportion of social housing stock meeting the Welsh Housing Quality Standard has increased from 60% in March 2013 to 72% in March 2015 (Welsh Government, 2015d).

There has been a decline in the number of households accepted as homeless by local authorities, although this may reflect administrative changes rather than a decline in the headline numbers (Fitzpatrick et al, 2015).

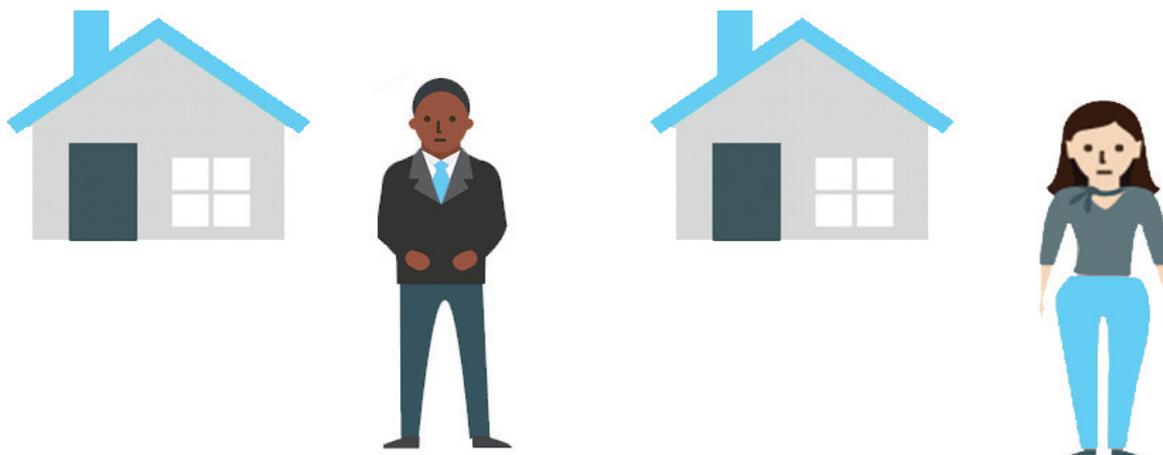
Despite the recent decline, recorded statutory homelessness acceptances in Wales are 70% higher than in England, pro rata to population.

The profile of statutorily homeless households in Wales changed markedly between 2009/10 and 2014/15, with an increase in the number of people fleeing domestic abuse (up 19%) and people with poor mental health or learning disabilities (up 24%) (Fitzpatrick et al, 2015).

In Wales, the number of statutorily homeless youths has fallen, although data for England suggests that young people leaving care are at particular risk of street homelessness.

Access to transport

Access to public and community transport is being affected by reduced funding. In Wales 179 bus routes have been cut, altered or withdrawn since 2010 (Campaign for Better Transport, 2014).





Challenge 4: Increase access to justice and encourage democratic participation

Priorities

- **Ensure equal and effective access to civil justice for everyone.**
- **Improve political and civil participation and increase diversity in public life.**

Reforms to civil legal aid and other reforms affecting access to justice may pose a threat to equal protection and support.

There has been little increase in the diversity of people participating in civil, political and public life.

Access to justice

Major changes to legal aid have occurred through the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). LASPO reduced the scope of cases for which civil legal aid is available, excluding the majority of housing, debt, welfare benefits, employment and clinical negligence matters, and made legal aid in private family law cases available only where there is evidence of domestic violence or child protection concerns. The UK Government found that the reforms could have a greater impact on some people with protected characteristics (Ministry of Justice, 2011a).

In July 2013 a two-tiered fee was introduced for claims made to employment tribunals or the Employment Appeals Tribunal, with discrimination claims attracting the higher level of payment. In England and Wales the number of applications to employment tribunals dropped by 81% between January and March 2014, compared with the same period the previous year.

Police stop and search powers continue to have a disproportionate impact on young people, males, Black and Asian people.

Political representation

There is been little evidence of improvement in political representation in the last five years, with women, disabled people, young people, ethnic minorities, religious minorities and lesbian, gay, bisexual and transgender (LGBT) people remaining under-represented at all levels of politics in Wales.

Women's representation in the National Assembly for Wales is the highest of all GB political institutions although women remain a minority at 42% of Assembly Members. The under-representation of women is greater amongst Members of Parliament (23% of the total) and local councillors in Wales - 28% of the total (Expert Group on Diversity in Local Government, 2014).

The closure of Funky Dragon in 2014 means that Wales is now one of the few countries in Europe without a national youth assembly.

Voting at General Elections

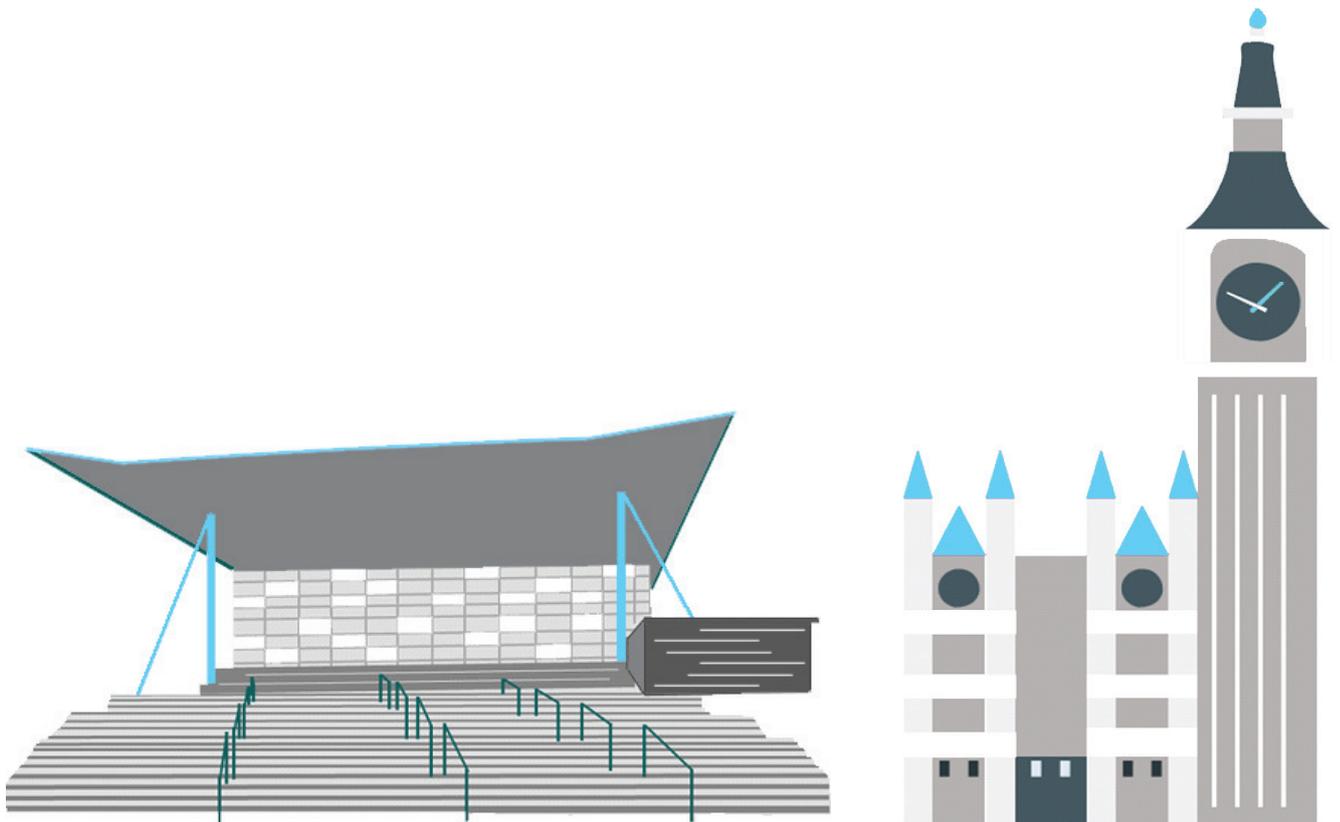
UK evidence suggests that young people, people from some ethnic minorities and people from lower socioeconomic groups were less likely to register to vote than others (Electoral Commission, 2011).

Prisoners in Wales, as in the rest of Britain, remain subject to a blanket ban on voting in elections, which the European Court of Human Rights has found to be in violation of their convention rights.

Wider participation in political activity

In Wales less than one in four people feel that they are able to influence decisions affecting their local area. Older people (aged 75 and over), disabled people and women feel less able to influence decisions than some other groups.

Concerns remain that the right balance between the police facilitating peaceful protest and upholding public order has not yet been achieved, despite changes to police policy in Wales and England (HM Inspectorate of Constabulary, 2012).





Challenge 5: Improve access to mental health services and support people experiencing poor mental health

Priorities

- **Improve access to mental health services.**
- **Reduce the rate of suicide especially amongst men.**

There has been no improvement in access to mental health services. The suicide rate has increased, especially amongst men and middle-aged people.

Access to mental health services

Poor mental health is the most common cause of disability in Britain. The Mental Health (Wales) Measure 2010 aims to ensure appropriate care is in place.

Only a quarter of all those with poor mental health receive treatment (Centre for Economic Performance, 2012). In Wales the number of daily available NHS beds for mental illness fell by 11% between 2010/11 and 2013/14 (Welsh Government, 2015e), while the total number of hospital admissions fell by 5% (Welsh Government, 2014b).

Difficulties accessing Children and Adolescent Mental Health Services (CAMHS) are reported - in 2014 demand for services is said to have increased by 100% over the previous twelve months (National Assembly for Wales, 2014). However public spending on CAMHS has remained static over the period.

There is evidence of continuing problems of capacity and of some children continuing to be hospitalised on adult wards (Health Inspectorate Wales, 2013). It is too early to assess whether the Welsh Government's investment in CAMHS, announced in 2015, will increase access to provision.

Some groups of people in Britain, including transgender people, Gypsies and Travellers, homeless people and migrants have greater difficulty than others accessing health care of all kinds including mental health care (Bishop, 2013; Grove-White, 2014; Royal College of General Practitioners, 2013). Access to mental health care for prisoners in Wales and England is reported to be 'inconsistent' (HM Chief Inspector of Prisons, 2014).

Suicide

In Wales the suicide rate for people aged 15 and over substantially increased between 2008 and 2013, up from 10.7 to 15.6 per 100,000 inhabitants.

While the incidence of suicide has increased for all groups of people, the increase is especially marked for men compared with women (see Table 3).

The suicide rate has increased for certain age groups: it doubled for people aged 55 to 64 and increased by around 60% for those aged 35 to 54. It is also particularly high for middle-aged men (Office for National Statistics, 2015).

Impact on everyday life

Poor mental health affects many aspects of people's lives. On average, men with poor mental health die 20 years earlier and women die 15 years earlier than the general population (BMA, 2014). People with severe mental illness have an unemployment rate four times that of people with no illness (OECD, 2014).

Table 3 Suicide rate per 100,000 population aged 15 and over, Wales 2008 and 2013

		2008	2013
All		10.7	15.6
Gender	Male	16.1	26.1
	Female	5.5	5.8
Age	15 to 24	8.7	9.0
	25 to 34	14.9	14.9
	35 to 44	13.7	21.8
	45 to 54	12.9	21.4
	55 to 64	8.4	16.8
	65 to 74	6.0 [#]	10.9
	75 and over	7.5 [#]	10.3

[#] treat with caution because of small sample size





Challenge 6: Prevent abuse, neglect and ill-treatment in care and detention

Priorities

- **Prevent the abuse, neglect and ill-treatment of children and older people in hospitals and care homes.**
- **Protect human rights of people held in detention.**

There is no evidence that abuse, neglect and ill-treatment in hospitals, care homes and people held in detention has decreased.

Abuse, neglect and ill-treatment in care

The Care and Social Services Inspectorate Wales (CSSIW) has reported that progress has been made in arrangements to protect vulnerable adults from abuse (CSSIW, 2013). Nevertheless significant concerns remain about the treatment and support provided in some care settings.

Older people

In 2013/14 24% of care and nursing homes for older people did not meet the inspectorate's requirements (CSSIW, 2014a). The Older People's Commissioner has found that older people living in care homes often became institutionalised, did not have their basic health needs met, were unable to access specialist services, and that their emotional needs were

not fully recognised (Older People's Commissioner, 2014). CSSIW found that some people were afraid to complain and that advocates sometimes had difficulties making a complaint or referral (CSSIW, 2013).

Operation Jasmine was an investigation by Gwent Police into the deaths of 63 older people in six care homes in south east Wales. After failure to prosecute any of the alleged perpetrators, a Welsh Government-commissioned independent review of the investigation and its aftermath (Flynn, 2015) found extensive ill-treatment and lack of care and was highly critical of many statutory bodies involved.

Younger adults

CSSIW reported that services for younger adults had not generated the same levels of concern as older people's services up to 2013/14 (CSSIW, 2014a). It has recently announced a national inspection of care and support for adults with learning disabilities (CSSIW, 2015).



Children

The number of looked-after children has increased from 4,635 in 2008 to 5,765 in 2013 (Welsh Government, 2015f). The majority are placed in foster care although a small number (205 in 2013) were placed in care homes. In 2013 6% of fostering and adoption services, and children's care homes, did not meet the required standards (CSSIW, 2014a). Two major inquiries have highlighted serious issues in relation to historic child sexual abuse and exploitation in Wales: Operation Pallial and Lady Justice Macur's review of the scope of the Waterhouse Inquiry.

Deprivation of Liberty

The Deprivation of Liberty Safeguards (DoLS) are applied to adults who do not have the 'mental capacity' to make decisions for themselves. CSSIW (2014b) and a joint CSSIW / Healthcare Inspectorate Wales review (CSSIW & HIW, 2015) found that although awareness of deprivations of liberty had increased, more needs to be done. They found significant variation between local authorities and health boards.

Restraint

Inspectorates have highlighted the inappropriate use of physical restraint in relation to children in education services. (Estyn & CSSIW, 2011).

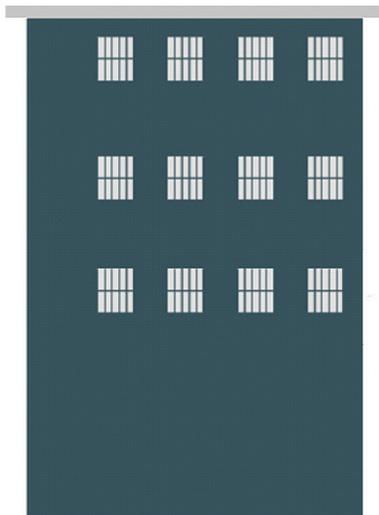
Death, abuse, neglect and ill-treatment in detention

In Wales and England the number of self-inflicted deaths in prisons rose from 0.7 per 1,000 prisoners in 2008/09 to 0.9 per 1000 prisoners in 2013/14. The greatest number of cases in 2014 was amongst men aged 30-39.

Gypsies and Travellers are over-represented in Welsh and English prisons and are more likely to experience abuse, physical restraint, self-harm and suicide than other prisoners (HM Inspectorate of Prisons, 2014).

There are serious concerns about the abuse and use of restraint for children in custody. Around one in five children and young people in custody in Wales and England say they have been victimised, with Muslim boys being more likely than non-Muslim boys to report this in 2012/13 (Kennedy, 2013).

There are concerns about the increase in overcrowding and the increase in violence in Welsh and English prisons (HM Inspectorate of Prisons, 2014).





Challenge 7: Eliminate violence, abuse and harassment in the community

Priorities

- **Eliminate the incidence of violence, abuse and harassment particularly against women, disabled people, ethnic minority people, Muslim people and lesbian, gay, bisexual and transgender people.**

There has been no overall reduction in the violence, abuse and harassment experienced by some people but there has been an increase in reporting of incidents to the police and in conviction rates.

Homicide and violent crime

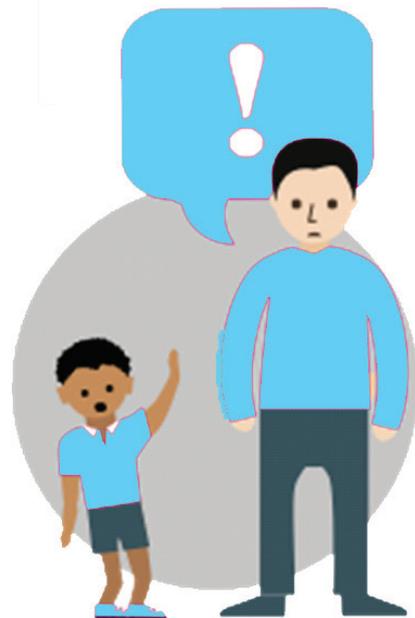
Although homicides have decreased overall in Wales and England, those at greatest risk of homicide remain infants aged under 1. In 2013/14 the homicide rate for infants under 1 was 23.9 per million compared with 10.4 per million for adults aged 16 and over.

There has been no significant change in the rate of violent crime in Wales, with 3% of adults reporting that they had been a victim of a violent crime in 2012/13. Adults under 35 were more likely than older people to be victims of violent crime, as were men compared with women.

The self-reported incidence of violent crime experienced by children aged 10-15 fell between 2009/10 and 2012/13 in Wales and England from 8.5% to 6.1%. However, the gaps between disabled and non-disabled children, boys and girls, ethnic minority and White children, and children with a religion compared with those without, persisted.

Child neglect and abuse

In Wales the number of children on the child protection register has increased from 2,510 in 2008/09 to 3,135 in 2013/14 (CSSIW, 2014a). The main reasons for a child being on the register were neglect (39% of registrations) and emotional abuse (38% of registrations).



Sexual violence

There has been no change in the percentage of people reporting being victims of sexual violence in Wales and England from 2008/09 to 2012/13. There has been an increase in the number of crimes of sexual violence reported to the police. The conviction rate has increased. Young people, women, disabled people and lesbian, gay, bisexual and other people continued to be more likely to report having been a victim of sexual violence in the past 12 months than other groups.

Domestic abuse and forced marriage

Between 2008/09 and 2012/13 in Wales and England the number of self-reported victims of domestic abuse did not change significantly.

The number of domestic violence incidents recorded by the police during the same period, did increase and the number of convictions increased, up by 20%.

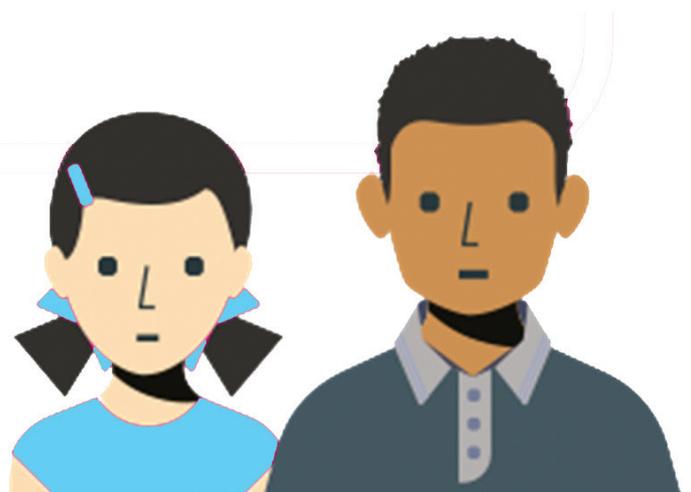
Despite the increase in recording and convictions, an inspection of the police response to domestic abuse in Wales and England in 2013 concluded that the priority afforded to domestic abuse on paper was not translated into reality in 'too many' forces (HMIC, 2014).

The number of referrals from the police to the Crown Prosecution Service (2014) for 'honour'-based offences of violence in Wales and England rose between 2012/13 and 2013/14.

The Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 aims to improve the public sector response to domestic abuse, building on the Welsh Government's six year strategy 'The Right to be Safe'. GB legislation has created the new offences of repeated coercive and controlling behaviour, stalking, and new provisions to tackle Female Genital Mutilation.

Of the 1,267 cases of possible forced marriage in the UK in 2014 known to the Forced Marriage Unit (2015), most victims were female (79%) and young (one in five cases involved a victim aged 17 or below). Most cases involved Pakistan, India, Bangladesh or Afghanistan.

However nearly one in four cases was domestic and had no overseas element. The first case under the Forced Marriage (Civil Protection) Act 2007 was heard in Wales in 2015 when a 34 year old man was convicted for making a 25 year old woman marry him under duress.



Hate crime, discrimination, harassment and abuse

In Wales and England there was a decrease in the number of hate crimes reported to, and recorded by, the police between 2008/09 and 2012/13. The number of hate crimes motivated by disability, religion or transgender reported to the police increased.

In Wales, just over three-quarters of the 1,810 hate crimes reported to Welsh police forces in 2012/13 were racially motivated (Home Office, Office for National Statistics and Ministry for Justice, 2013) with Black people being most likely to be the victim. Hate crime motivated by sexual orientation was the second most commonly reported hate crime (235 reports), followed by those motivated by disability (135). Hate crime motivated by religion accounted for a relatively small number of hate crimes reported to police in Wales (just 39 in 2012/13).

In England and Wales there is a rising incidence of Islamophobic and anti-Semitic hate crime.

The number of convictions for hate crime in Wales and England has increased, with increased convictions occurring for all motivations of the crime.

In Wales, 7% of adults aged 16 and over reported experiencing discrimination, harassment or abuse in the previous 12 months. The incidence of discrimination, harassment or abuse was much higher amongst some groups of people than others.

These experiences were reported by:

- one in five people from an ethnic minority
- one in five people from a religious minority
- one in ten young people
- one in ten disabled people
- one in ten people who have never worked or who are long-term unemployed.

The proportion of British people who believe that 'same sex relations are always wrong' has decreased from 64% in 1987 to 22% in 2012 (NatCen, 2014).

However, British data suggests that LGBT people, and Gypsies, Roma and Travellers experience stigma (Fundamental Rights Agency, 2014; Pew Research Centre, 2014). Disability-related harassment remains a serious problem with significant impact on everyday life, as highlighted by the Pilkington inquiry (IPCC, 2009) and the Commission's Inquiry 'Hidden in Plain Sight' (EHRC, 2011).

Next steps

The challenges we identify in this report will assist in setting priorities for Wales in the coming years.

Elections for the National Assembly for Wales take place in May 2016. Following the elections the new Government will determine its Programme for Government for 2016-2020. There is an opportunity for the Programme for Government to reflect our findings and key challenges.

The Public Sector Equality Duty, and the Specific Duties for Wales, require the Welsh Government and devolved public authorities to set equality objectives for 2016-20.

These must be published by April 2016. Publication of this report is timely and will provide evidence to inform Welsh Government and public authorities in identifying priorities and meeting their statutory duties.

This report is intended to be a catalyst for change. The Commission will be working to encourage public, private and third sector organisations to rise to the challenges set out. Partnership work to tackle the challenges in the coming years will improve life chances for people and take us a step closer towards a fairer Wales.

More detailed information

This report sets out headline evidence relating to the key challenges we have identified. If you want to see more detailed information it can be found in the 10 evidence papers published on our website or in the additional references.

Is Britain Fairer? The state of equality and human rights 2015 (http://www.equalityhumanrights.com/sites/default/files/uploads/IBF/Final-reports/revised/EHRC_IBF_MainReport_acc.pdf)

Is Britain Fairer?: Executive summary (http://www.equalityhumanrights.com/sites/default/files/uploads/IBF/Final-reports/revised/IBF-ExeSummary_Eng_acc.pdf)

Evidence papers (<http://www.equalityhumanrights.com/about-us/our-work/key-projects/britain-fairer/britain-fairer-supporting-evidence>)

Commission in Wales website: <http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-wales>

or you can contact us on

02920 447710

wales@equalityhumanrights.com

References

Most data included in this report is from Is Britain Fairer? and the associated evidence papers.

This was supplemented by data from the following sources:

Bishop, J-A. (2013) Trans Patients' Experiences of their GP Surgery – Annual Survey 2013. TransForum & Building Health Partnerships. Available at: <http://uktrans.info/research/45-medical-research/279-trans-patients-experiences-of-their-gp-surgery-annual-survey-2013>

BMA (2014) Recognising the importance of physical health in mental health and intellectual disability: Achieving parity of outcomes. Available at: <http://bma.org.uk/working-for-change/doctors-in-the-nhs/mental-health-parity-report>

Campaign for Better Transport (2014) Buses in Crisis 2014. Available at: http://www.bettertransport.org.uk/sites/default/files/research-files/Buses_In_Crisis_Report_2014_Final.pdf

Care and Social Services Inspectorate Wales (2013) Adult Protection Monitoring Report 2010-2012. <http://cssiw.org.uk/docs/cssiw/report/130320adulten.pdf>

Care and Social Services Inspectorate Wales (2014a) Chief Inspector's Annual Report: Improving Care, Childcare and Social Services in Wales 2013-2014 <http://cssiw.org.uk/docs/cssiw/report/150304annualreport3en.pdf>

Care and Social Services Inspectorate Wales (2014b) A National Review of the use of Deprivation of Liberty Safeguards (DoLS) in Wales <http://cssiw.org.uk/docs/cssiw/report/141103dolsreporten.pdf>

Care and Social Services Inspectorate Wales (2015) National Inspection of Care and Support for Adults with Learning Disabilities. http://cssiw.org.uk/about/strategic-plan/inspection-of-support-for-adults-with-learning-disabilities/?lang=en&dm_i=6N7,3MDTN,HZ50LU,D3OXR,1 Accessed 29th October 2015

Care and Social Services Inspectorate Wales and Healthcare Inspectorate Wales (2015) Centre for Economic Performance (2012) How mental illness loses out in the NHS. Available at: <http://cep.lse.ac.uk/pubs/download/special/cepsp26.pdf>

Crown Prosecution Service (2014) Violence against Women and Girls Crime Report: 2013–2014. Crown Prosecution Service.

Department for Business, Innovation and Skills and Equality and Human Rights Commission (2015) Pregnancy and Maternity Related Discrimination and Disadvantage. First findings: Surveys of Employers and Mothers. BIS Research Paper No.235.

Department for Education (2014) Children's homes data pack. December 2014. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/388701/Childrens_Homes_data_pack_Dec_2014.pdf

Deprivation of Liberty Safeguards Annual Monitoring Report for Health and Social Care 2013-14

Electoral Commission (2011) Great Britain's electoral registers. Available at: http://www.electoralcommission.org.uk/_data/assets/pdf_file/0007/145366/Great-Britains-electoral-registers-2011.pdf

Equality and Human Rights Commission (2015) Pregnancy and Maternity Related Discrimination and Disadvantage. First findings: Surveys of Employers and Mothers.

Estyn (2014) Action on bullying - A review of the effectiveness of action taken by schools to address bullying on the grounds of pupils' protected characteristics.

Estyn and Care and Social Services Inspectorate Wales (2011) Joint investigation into the handling and management of allegations of professional abuse and the arrangements for safeguarding and protecting children in education services in Pembrokeshire County Council. <http://cssiw.org.uk/docs/cssiw/report/110811pemben.pdf>

Expert Group on Diversity in Local Government On Balance: Diversifying Democracy in Local Government in Wales (2014)

Fitzpatrick, S., Pawson, H., Bramley, G., Wilcox, S. and Watts, B. (2015) The Homelessness Monitor: Wales 2015.

Flynn, M. (2015) In Search of Accountability A review of the neglect of older people living in care homes investigated as Operation Jasmine. <http://gov.wales/docs/dhss/publications/150714ojreporten.pdf>

Forced Marriage Unit (2015) Statistics January to December 2014.

Fundamental Rights Agency (2014) European Union lesbian, gay, bisexual and transgender survey. Main Results. Luxembourg: Publications Office of the European Union. Available at: <http://fra.europa.eu/en/publication/2014/eu-lgbt-survey-european-union-lesbian-gay-bisexual-and-transgender-survey-main>

Grove-White, R. (2014) Immigration Act 2014: what next for migrants' access to NHS care? Available at: <http://www.migrantsrights.org.uk/blog/2014/05/immigration-act-2014-what-next-migrants-access-nhs-care>

HM Inspectorate of Constabulary (2012) A review of national police units which provide intelligence on criminality associated with protest. Available at: <http://www.justiceinspectores.gov.uk/hmic/media/review-of-national-police-units-which-provide-intelligence-on-criminality-associated-with-protest-20120202.pdf>

HM Inspectorate of Constabulary (2014) Everyone's Business: Improving the police response to domestic abuse

HM Inspectorate of Prisons (2014) Annual Report 2013-14. Available at: http://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2014/10/HMIP-AR_2013-141.pdf

Home Office, Hate Crime England and Wales 2012-13 (2013). Table 2.02.

Home Office, Office for National Statistics and Ministry for Justice (2013) An Overview of Hate Crime in England and Wales. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266358/hate-crime-2013.pdf

HM Treasury (2015) Public Expenditure Statistical Analyses (PESA), Chapter 9.

Kennedy, E. (2013) Children and young people in custody 2012–2013: An analysis of the experiences of 15–18 year olds in prison. HM Inspectorate of Prisons and Youth Justice Board. Available at: <http://www.justiceinspectorates.gov.uk/prisons/wp-content/uploads/sites/4/2014/03/hmip-children-young-people-in-custody-12-13.pdf>

Ministry of Justice 2011a. Reform of Legal Aid in England and Wales: Equality Impact Assessment (EIA)

Ministry of Justice (2015) Tribunal and gender recognition statistics quarterly: October to December 2014.

Natcen (2014) British Social Attitudes 30. 2013 edition. Available at: http://www.bsa.natcen.ac.uk/media/38723/bsa30_full_report_final.pdf

National Crime Agency (2015) National Referral Mechanism Statistics - end of year summary 2014

OECD (2014) Mental Health and Work: United Kingdom. Available at: <http://www.oecd.org/els/mental-health-and-work-united-kingdom-9789264204997-en.htm>

Office for National Statistics (2015) Suicides in the United Kingdom, 2013 Registrations. Reference Tables. <http://www.ons.gov.uk/ons/publications/reference-tables.html?edition=tcm%3A77-385245>

Older People's Commission (2014) A Place to Call Home? A Review into the Quality of Life and Care of Older People living in Care Homes in Wales. http://www.olderpeoplewales.com/Libraries/Uploads/A_Place_to_Call_Home_-_A_Review_into_the_Quality_of_Life_and_Care_of_Older_People_living_in_Care_Homes_in_Wales.sflb.ashx

Pew Research Center (2014) Global Attitudes and Trends. May 12, 2014. Available at: <http://www.pewglobal.org/2014/05/12/chapter-4-views-of-roma-muslims-jews/>

Royal College of General Practitioners (2013) Improving access to healthcare for Gypsies and Travellers, homeless people and sex workers. Available at: http://www.rcgp.org.uk/common-elements/rss/~/_media/Files/Policy/A-Z-policy/RCGP-Social-Inclusion-Commissioning-Guide.ashx

Rutter, J. (2015) Annual Childcare Costs Survey. Family and Childcare Trust. Available at: <http://www.familyandchildcaretrust.org/annual-childcare-costs-surveys>

Time to Change Wales (2015) Mental Health Statistics and Facts. http://www.timetochangewales.org.uk/en/mental-health-stigma/stigma-statistics/#mental_health Accessed 29th October 2015.

Welsh Government (2011) Wales Children in Need Census 2010, SDR 19/2011

Welsh Government (2014a) Exclusions from schools in Wales, 2012/13 – Revised, SDR 30/2014(r)

Welsh Government (2014b) Admission of patients to mental health facilities in Wales, 2013-14 – Revised. SDR 140/2014(r)

Welsh Government (2015a) Academic Achievement by Pupil Characteristics, 2014, SB 20/2015

Welsh Government (2015b) Wales Children in Need Census 2014, SDR 29/2015

Welsh Government (2015c) Permanent and Fixed Term Exclusions from Schools 2014, Data Tables: Table 4.

Welsh Government (2015d) Welsh Housing Quality Standard (WHQS) as at 31 March 2015. SDR 162/2015

Welsh Government (2015e) Health Statistics Wales, data tables. Chapter 10: NHS Hospital Statistics for People with a Mental Illness, Table 10.1

Welsh Government (2015f) StatsWales: Children Looked After at 31 March by local authority and placement type. <https://statswales.wales.gov.uk/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/childrenlookedafterat31march-by-localauthority-placementtype> Accessed 29th October 2015

Acknowledgements

We would like to thank the Welsh Government and a wide range of organisations and individuals in Wales for their contribution towards this report. We would like to thank Victoria Winckler for writing **Is Wales Fairer?**

ISBN: 978-1-84206-650-8

© Equality and Human Rights Commission

