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Abbreviations

DVLA	Driver and Vehicle Licensing Agency
EHRC	Equality and Human Rights Commission
EIA	Equality Impact Assessment
PSED	Public Sector Equality Duty
NEETS	People not in employment, education or training
PQQ	Pre-qualifying questionnaire
RCT	Rhondda Cynon Taff
SEP	Strategic Equality Plan
WLGA	Welsh Local Government Association
WS	Written Submission

The views expressed in this report are those of the authors and do not necessarily represent the views of the Commission. The Commission is publishing the report as a contribution to discussion and debate. The full report can be found at <http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-wales/public-sector-equality-duty-wales-2014>

Foreword

In 2013 we commissioned NatCen to undertake an independent evaluation of the Public Sector Equality Duty (PSED) in Wales. Our aim was to gather and analyse data in order to produce a report on how Welsh public authorities are meeting their general and specific duties under the Equality Act (2010). This report presents the findings and examines the impact of the PSED. It has allowed us to measure progress and capture how the PSED is acting as a catalyst for change.

We are pleased that a range of organisations across Wales, both devolved and non-devolved, have taken part in the research and would like to thank everyone who participated. This has assisted in demonstrating how the PSED is working effectively in Wales. We are encouraged that throughout the report there are case studies of where the PSED has improved outcomes for service users and staff. These case studies can be used by others and adapted for their own circumstances.

The research has also enabled us to identify and understand challenges faced by public bodies in meeting the PSED. We look forward to exploring, with individuals and organisations, the solutions that have been suggested in this NatCen report.



Ann Beynon, Commissioner for Wales

Kate Bennett, National Director for Wales

July 2014

Key Findings

- The value of the PSED was described, by participating organisations, as:
 - raising the profile of the equality agenda;
 - providing a clear structure and focus for equality work;
 - promoting cultures of inclusivity, fairness and respect.
- The Welsh specific duties were valued by listed and non-listed bodies for providing clarity about what needed to be done to implement the duty.
- All participating organisations could provide at least one example of evidence demonstrating progress related to the general duty. More typically organisations could give more than one example.
- Greatest progress had been made in putting in place the foundations to do equality work. There was also some evidence of progress directly related to outcomes for service users and staff.
- This study found no evidence of under-compliance. Compared to other research on the English specific duties this study also found more limited evidence of over-compliance, which is doing more than required as a result of a lack of clarity in guidance.
- Key challenges for participating organisations arose from the insufficient signposting and sharing of practical information. This would help organisations know that they are approaching the PSED in the best way and avoid duplication of effort.

Executive Summary

Aims, Methods and Sample

This report presents the findings of a review of the implementation of the Public Sector Equality Duty (PSED) in Wales. The purpose was to assess the progress in relation to the requirements of the duty, highlight successful outcomes and identify any barriers to implementation.

In all **52 individuals from 44 organisations** took part. The report is based on:

- **35 individual written submissions** via a secure website;
- **26 in-depth telephone interviews** to explore issues in more detail.

The Value of the PSED

Participating organisations identified a number of ways in which the PSED added value to their equalities work.

This '*added value*' of the PSED was identified in relation to the **general duty** by:

- Raising the profile of the equality and diversity agenda;
- Helping to mainstream equality and diversity issues;
- Giving equality activities a clearer structure and focus;
- Providing a single but more inclusive remit than previously;
- Helping to embed a culture of fairness, dignity and respect in the workplace.

The **Welsh specific duties** were thought to support and help progress on equalities work in ways additional to the Great Britain-wide duties by:

- Providing greater clarity than under the English specific duties about what needed to be done, thereby reducing the likelihood of under compliance or the tendency to over-comply¹ due to uncertainty about what compliance meant;
- Highlighting and clarifying through implementation and practice the best types of training needed to comply with the general and specific duties;
- Ensuring that equality and diversity was fully integrated into service planning and organisational decision-making through the requirement to conduct equality impact assessments.

¹ By over-compliance we mean that, rather than indicating a commitment to the PSED and the promotion of equality, organisations did more work than the minimum required to comply with the general duty because of what was regarded as ambiguities in the requirements of the duty and associated risks of litigation. For research on the English specific duties, see Arthur, S., Mitchell, M., Graham, J. and Beninger, K. (2013) *Views and Experiences of the Public Sector Equality Duty (PSED): Qualitative research to inform the review*, London: Government Equalities Office (p.27).

For **non-listed bodies** the Welsh specific duties acted as a useful model for equalities work because they:

- Provided clarity, rigour and corporate focus for how to conduct equalities work;
- Were regarded as best practice;
- Helped align their work with listed partners in Wales.

Evidence of Progress

Evidence of progress could broadly be assessed in terms of:

- Progress to support the implementation of PSED;
- Progress leading to improved outcomes for service users or staff.

Overall a great deal of progress had already been made in both areas; however, most progress had been made in establishing the processes necessary to support the implementation of the PSED.

Progress in Supporting the Implementation of the PSED

It is clear that a great deal of progress had already been achieved in meeting the Welsh specific duties. We found that:

- All listed bodies had established SEPs, equality objectives and action plans and were in the process of implementing them; non-listed bodies also developed SEPs or drew on aspects of this way of planning equality objectives.
- Overall, consultation and engagement with service users were thought to be more frequent and better than prior to the PSED. Organisations described ways in which employee networks or groups were expanded or consulted about new developments more frequently.
- Equality impact assessments were being widely used to make a difference to service delivery. They were also being consistently reviewed to make them more user-friendly, more evidence-based and more proportionate.
- Progress was being made in putting in place systems for comprehensive and consolidated data gathering on protected characteristics of service users.
- Processes had been put in place to improve data collection and equal opportunities monitoring in relation to staff.
- Organisations demonstrated steps they had taken to review and address the gender pay gap, although reviews were sometimes still on-going.

- Training was being used to promote knowledge and understanding of the PSED and that also served to support service improvement. It has also created more and new training opportunities for staff to learn about equality and diversity issues.
- Steps had been taken ensure that appropriate procurement processes were being put in place but knowledge of these processes or their effectiveness was not as good as in other areas.

Progress on Outcomes

Overall improvement

- All participating organisations could give at least one example of something they had done that would make a difference in relation to the general duty. More typically organisations could give more than one example.
- There was also evidence of work that was anticipated to make a difference in the future.
- There was evidence of participating organisations addressing all three aspects of the general duty, though fewer examples of work fostering good relations and reducing unlawful discrimination compared to promoting equality of opportunity.

In relation to **protected characteristics**:

- There were good examples of progress being made in relation to age, sex, race, disability and sexual orientation.
- There were fewer examples that had made a difference related to gender reassignment and religion or belief, which reflected difficulties organisations reported experiencing in engaging with these populations.
- Some organisations described important work that they thought was needed to address inequalities that did not fit neatly under the protected characteristics (e.g. those not in education, employment, or training (NEETS); and negotiation of a living wage for contracted out staff).

By **sector**:

- There was variation on the amount of progress across sectors but all sectors were moving forward in meeting the general and Welsh specific duties.
- Greatest progress was evident among participating listed organisations in local government, education and health sectors.
- Other listed bodies had not always made as much progress compared to these sectors but were nonetheless moving forward by putting in place equalities infrastructures.

- Non-listed bodies had also undertaken a great deal of work and in some cases were as far forward as listed bodies.
- Outcomes for staff and service users: Some organisations had moved beyond investigation of inequalities through equal pay audits and reviews to begin to address the reasons for gender and other pay differences such as gender stereotypes and role segregation in employment.
- Participants felt that staff were better supported by equality and diversity specialists and therefore more confident taking an inclusive approach in their work.
- Initiatives to support the health and well-being of staff had been introduced, including initiatives to address domestic abuse and mental health.
- Some organisations had taken steps to ensure that their staff profile better reflected diversity in the local community by encouraging under-represented groups to apply for jobs and promotions.
- Equality impact assessments had been used to improve service delivery and to mitigate the effects of resource reductions.

Factors underpinning progress

A range of factors underpinned the amount of progress made across different organisations. This included:

- A strong existing equality and inclusivity ethos supported by strong senior management leadership and an active involvement in supporting work related to the PSED.
- A high level of knowledge about how to address the PSED at a practical level.
- Wide ownership of the equality and diversity agenda, especially in organisations with limited or reduced capacity to undertake such work.
- Finding an appropriate balance between short-term 'quick wins' and longer-term programmes of work.
- Sufficient resources to undertake all aspects of the PSED.
- A continued focus on the PSED despite other competing priorities and negative narratives and media coverage.

Challenges and improvements

- Organisations wanted greater practical information and support to be sure they were implementing the PSED in the most effective proportionate way. For example, through the EHRC's Equality Exchange Network and better provision and signposting of online resources.

- Challenges to gathering equality monitoring information arose due to the need to improve the quality of data and systems. There were further concerns about the sensitivity of data collection and its usefulness where data on some protected characteristics was incomplete. Participants would welcome guidance from the EHRC on responding to these issues. Awareness raising and public reinforcement of the importance of collecting and analysing equality data would also be helpful.
- There was concern that as the PSED became more embedded there was a risk of over-burdening members of the public, staff and voluntary organisations by repeatedly asking for their views. There was a strong desire to share information collected as part of consultations, EIAs and information gathering in order to avoid this.
- The ability to ensure that contractors met their obligations to the PSED was also difficult. This was particularly the case where contractors had a monopoly on a particular service or where the requirements were seen by contractors as burdensome in relation to the size of the contract. Ensuring clarity and raising awareness of the PSED would be helpful.

1 Introduction

1.1 Context and aims

This report presents the findings of a review of the implementation of the Public Sector Equality Duty (PSED) in Wales. The purpose of the review was to assess progress in relation to the requirements of the duty, highlight successful outcomes and identify any barriers to implementation.

The Equality Act (2010) marked a 'step change' in the equalities law applying in Great Britain. It sets out a general duty to promote equality in relation to age, gender reassignment, sex, race (including ethnic or national origin, colour or nationality), disability, pregnancy and maternity, sexual orientation, religion or belief (including lack of belief). Under the PSED listed bodies are required to have due regard to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act;
2. Advance equality of opportunity between people who share a relevant protected characteristic and those who do not;
3. Foster good relations between people who share a protected characteristic and those who do not.

The general duty came into force across Great Britain on 5 April 2011 - and on 6 April 2011 the specific duties in Wales came into effect. The specific duties in Wales are set out in the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. They cover: organisational objectives, strategic equality plans, engagement, assessing impact, equality information, employment information, pay differences, staff training, and procurement². Under the terms of the regulations issued in furtherance of the Equality Act (2010) Welsh Ministers have a specific duty to publish a report on how devolved public authorities in Wales are meeting their general duty³. They are required to publish a report no later than 31 December 2014 (and every four years thereafter).

Although the specific duties apply primarily to listed bodies in Wales, a number of non-devolved bodies are operating in the spirit of the duty.

² Equality and Human Rights Commission. The essential guide to the public sector equality duty. Accessed November 2013 from http://www.equalityhumanrights.com/uploaded_files/Wales/1._psed_wales_essential_guide.pdf

³ <http://www.legislation.gov.uk/wsi/2011/1064/regulation/17/made>

1.1.1 Regulation and reporting

The Equality and Human Rights Commission (EHRC) is responsible for the regulation of the PSED and the Welsh Specific Duties. The EHRC's approach to making the most of the duty in Wales is to work with Welsh public bodies by:

- Encouraging: showing how the duty can deliver better outcomes, highlighting and sharing good practice, particularly through the Equality Exchange Network.
- Guiding: helping practitioners understand their responsibilities and how best to drive public service improvement.
- Monitoring: targeted monitoring to identify and share trends and good practice.

In 2012 -13 the EHRC in Wales conducted monitoring work focused on a single aspect of the specific duties in the key sectors: health, local government, fire and rescue and universities. In 2013-14 a similar monitoring process is being conducted with these sectors.

This research complements and enhances the EHRC's monitoring activity by providing a fuller and richer picture of progress. It was important that an assessment was made independently of the EHRC as the regulator of the PSED in Wales. Consequently, in October 2013 the EHRC commissioned NatCen Social Research (NatCen) – an independent and non-politically aligned research organisation – to conduct the review.

The research has captured views from a more comprehensive sample of organisations and different viewpoints. It has explored wider equality objectives, progress made and factors supporting or undermining progress. As a result this report is able to provide more in-depth evidence presented in real life case examples. The research does not provide a definitive measure of the independent impact of the PSED but instead assists the EHRC, the Welsh Government, public sector organisations, equality specialists and other bodies to track and understand progress of the PSED in Wales. It will also set out areas of work that the EHRC may want to consider in future.

1.1.2 Aims and objectives

Key aims of the study are to:

- Assess public bodies progress in meeting their equality duties;
- Identify and understand any issues or short comings faced by public bodies in meeting their equality duties;
- Identify examples of good practice and highlight successful outcomes;
- Identify the contribution of the PSED in Wales to public service improvement and outcomes for staff;

- To enable the EHRC to advise the Welsh Government;
- Make recommendations that might:
 - Improve public bodies' procedures to better fulfil their duties and secure appropriate outcomes;
 - Improve communication, awareness and knowledge of public bodies' duties and the requirement to comply;
 - Assist Ministers in producing their summative evaluation report in December 2014.

1.2 Methodology and sample

These objectives lend themselves to a qualitative approach to elicit rich and detailed accounts of organisations' experience of implementing the PSED. Therefore, we are aiming to understand the range and diversity of different views and experiences, not measure the prevalence of those views.

1.2.1 Methods

The research used two qualitative data collection methods:

- 35 individual written submissions via a secure website;
- 26 in-depth telephone interviews to explore specific themes in more depth.

Equality and diversity staff from listed public bodies, and organisations based in Wales operating in the spirit of the Welsh specific duties, were invited by email to contribute to the study. The written submission required an on-line response to 6 key questions (See Appendix B for the questions). Participants were also asked to indicate whether they wanted to partake in an interview. In some cases more than one person from an organisation made a written submission or was interviewed. For example, this included the person primarily responsible for equality and diversity within the organisation (e.g. Equality Manager, Equality Policy Officer) but also other people with some role in relation to the PSED (e.g. Senior Executive, Human Resources, someone who had conducted an EIA, etc.). This enabled us to capture the views of people who were not necessarily equality and diversity specialists but had a role in delivering the PSED. Some organisations also decided to submit a response that was agreed at the organisational level. Others responded jointly with other similar organisations. For example, all three Welsh Fire and Rescue Services submitted a joint response.

Telephone interviews were conducted using a topic guide agreed with the EHRC. This included the themes of decision-making and implementation; effectiveness of PSED; and barriers and challenges to implementation with suggested improvements (See Appendix A for a copy of the topic guide). The telephone interviews were digitally recorded and transcribed verbatim. Both the written submissions and the telephone interviews were thematically analysed.

The EHRC felt there would be value in the written submissions and interviews being primarily 'on the record' so examples of progress from specific organisations could be shared with the Welsh Government and with other organisations in Wales. There were sections in the written submissions and interviews where participants were able to make comments in confidence and anonymously if they preferred. At the end of the interviews participants were asked if there was anything, with hindsight, that they preferred would not be linked to them or their organisation and this too was noted.

1.2.2 Sample

In all **52 individuals from 44 organisations** took part in the study. Eight participants represented six non listed organisations and 46 participants represented 40 listed organisations, as defined by Section 2 of Schedule 19 of the Equality Act⁴.

We monitored the characteristics of those to be interviewed to ensure a diverse and robust sample. These characteristics included: the sector of the organisation the participant was employed by; their role; region they worked in; organisation size; and their general views towards the PSED in Wales. Further details of the achieved sample are given in Tables 1 and 2. The numbers reflect the number of individuals who contributed; there was an instance of a paired interview (National Assembly for Wales) and a joint written submission made by multiple bodies (the three Welsh Fire & Rescue Services). See Appendix C for a full list of participating organisations.

⁴ <https://www.gov.uk/government/publications/equality-act-2010-schedule-19-consolidated-april-2011>

Table 1 Achieved sample of participating organisations and individuals, by employment sector and involvement type

Employment sector ⁵	Written submissions only	Written submission and interview	Interview only	Total
1. College	3	0	0	3
2. Community Health Council or Board	0	0	0	0
3. Fire & Rescue Service	3	0	0	3
4. Local Government	9	3	5	17
5. Local Health Board or NHS Trust	2	2	1	5
6. Park Authority	1	0	2	3
7. Regulator	0	0	1	1
8. University or Higher Education Institute	2	2	3	7
9. Other listed bodies (e.g. Sport Wales, HEFCW, GTCW, Older People's Commissioner for Wales)	4	0	0	4
10. Other non listed bodies under the Welsh PSED (e.g. Disability Wales, WLGA, North Wales Police, DVLA, RCT Homes, National Assembly for Wales)	2	2	4	8
TOTAL	26 individuals	9 individuals	17 individuals	52 individuals

Table 2 Achieved sample, by job role of individuals

Job Role	Achieved Sample
Equality and Diversity Lead, with formal E&D responsibilities (Including E&D Managers)	29
Non Equality and Diversity professional, but with some E&D responsibilities (e.g. equalities champions/Policy/HR)	9
Management, with limited E&D responsibilities (e.g. CEO/Deputy/Director/Head/ Non E&D Managers)	7
Other (Role not stated)	7
TOTAL	52 individuals

⁵ Welsh government representatives decided not to contribute to this research because they wanted to do so directly to the Ministerial report later in 2014.

1.2.3 A note on the review of progress

It is important to note that this is a qualitative review of progress to date and not a full evaluation of the operation of the PSED in Wales. Participation in the study was voluntary. Although almost half of the listed bodies in Wales participated, it is not possible to say whether they are statistically representative of progress of listed bodies in Wales as a whole. What the study can do is map the likely range of activity and progress in relation to the general duty and Welsh-specific duties and identify areas for improvement.

In looking at progress we have also made a distinction between:

- putting in place the foundations or 'building blocks' to do equality work and,
- work leading to realised and anticipated service improvements and better outcomes for staff (whether this relates to changes in everyday working practices or specific new work)

Throughout the review we have also tried to draw out the variety of different ways of looking at progress and how this can differ in terms of 'quick gains' (simple changes or initiatives that achieve quick results) or longer-term projects such broad organisational objectives or complex programmes of work. Clearly, some issues take more time to realise and require greater engagement with more people to realise a solution.

1.2.4 The structure of the report

The structure of the report first looks at the perceived value of the PSED in relation to the UK-wide general duty, the Welsh-specific duties and the effects on non-listed bodies operating in the devolved context (Chapter 2). Following this we describe the progress being made in relation to the PSED: firstly, in terms of overall progress; secondly, in terms of the processes supporting the PSED; thirdly, in relation to evidence of service improvement and outcomes for staff; and, finally, looking at factors that underpin progress (Chapter 3). Chapter 4 identifies barriers and challenges to the implementation of the PSED and provides suggestions for what the EHRC can do to help address them.

Throughout the report we reference quotes and examples to indicate whether they were captured from an interview (Interview) or a written submission (W.S). We have named participating organisations in Welsh or English with respect to which language participating organisations preferred to use to take part in the study.

2 The Value of the PSED

This section looks at evidence of progress related to the PSED in Wales overall and the progress made in relation to the general duty. It describes participants' views on the added value of the PSED.

2.1 The 'added value' of the PSED

Across the sample of organisations that took part in this research we identified a range of ways in which adopting the PSED has added value. These related to the general duty, the Wales-specific duties and also to the impact on non-listed bodies.

2.1.1 The General Duty

The PSED general duty was thought to add value in a number of ways.

Firstly, organisations described the way in which the PSED had helped **raise the profile of the equality and diversity agenda** as a statutory duty and in terms of corporate commitment. This provided equalities staff with a stronger backing and foundation for their work. It helped to **mainstream equality and diversity** issues as an integral part of everyday activities. For **Blaenau Gwent County Borough Council** the PSED has helped to:

'Focus the direction of equality in local government and has given it a higher political profile...[and] change thinking about equality as a whole...Without it, Equalities would still be fighting for recognition and would be more of an after-thought rather than becoming increasingly mainstreamed' (W.S.).

Secondly, the PSED was seen to provide equality work and activities with a clear **structure and focus** for planning and reporting. Organisations we spoke to said that this meant that equality could be approached in a more productive way. **Swansea Council** explained the added value of reporting requirements in keeping officers accountable and demonstrating to senior management that work is carried out to a good standard (interview). Additionally, **Coleg Sir Gar** found that the PSED focused the College on being able to achieve well-defined objectives by providing a clear direction on what they are to do (W.S.).

Thirdly, organisations explained the way in which the PSED provided a **clearer and more inclusive remit** by promoting a single and comprehensive piece of equality legislation. It was thought to be fairer and more inclusive that there were nine protected characteristics brought under a single umbrella. **Velindre Trust** acknowledged the advantage of the PSED over its predecessors as 'it brought the different strands out of the individual silos and now it's in a one stop shop' (Interview).

Finally, and perhaps more fundamentally, organisations also said that the PSED was helping to **embed a culture of fairness, dignity and respect** in the workplace.

This was not necessarily about specific activities or embedding equalities within processes but in the general behaviour of staff. The **University of South Wales** found that:

The 'Equality Act provided a platform for a structured approach to equalities and allows [their] organisation to permeate equalities across and up and down the organisation to the Board of Governors, staff, students and trade unions alike' (W.S.).

Despite these clear examples of added value, participants from a range of organisations did acknowledge that it was difficult to **disentangle the impact of the PSED** from other work. This was linked to the fact that participants, and the organisations they worked for, did a lot of work with disadvantaged people, had cultures of inclusive continuous improvement or were already doing work related to fairness, dignity and respect in the workplace. Nonetheless, these participants believed that the PSED supported, if sometimes supplemented, the work they were already doing.

2.1.2 The Welsh specific duties

The Welsh specific duties also added value to progress on equalities work in a number of ways.

Firstly, there was thought to be **greater clarity** within the Welsh PSED than under the English specific duties⁶. This meant that organisations were less likely to under or over comply in relation to the statutory requirements.

Powys County Council found that the PSED had given more clarity and improved buy-in amongst staff as it prescribes exactly what is needed and is outcome focused. The Council prefers these prescribed duties to what it described as the vague duties followed in England (Interview).

While it was also acknowledged that this extra specificity did increase their workload at times, organisations felt this was worth it for greater certainty about what needed to be done.

Secondly, the Welsh PSED was felt to better link process with outcomes. Organisations described the way in which the duties **underscored the processes that needed to be in place to improve equality outcomes**. This included strategic planning, engagement, assessment of impact, gathering equality information, procurement and reporting. **Cwm Taf University Health Board** described the way in which the PSED had been helpful in providing a focus in particular in the planning and development of services.

⁶ Comparisons were made by participants but were also facilitated through the research that NatCen Social Research conducted for the Government Equalities Office as part of the review of the PSED in England in 2013: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/237200/PSED_Revised_Report_Final_030913_-_FINAL.PDF

Linked to this, a third area in which the Welsh specific duties added value was in **clarifying the type of training that was needed** to implement these processes. **Brecon National Park**, for example, explained how their general awareness training ‘helped people understand why they were being asked to do what they were’ (Interview). A more specific example was provided by **Caerphilly Council**.

The Council had struggled to ensure paperwork provided with tenders explained the Council’s requirement on equalities prior to conducting appropriate training. Following tailored team training on equalities using procurement case studies from the Institute of Leadership & Management, reluctance to engage with these activities had been removed. The team now understood why they have to take these steps (Interview).

Others described the value of the training required to implement the duty well, which had also helped staff to see the value of paying attention to equality issues. **Velindre NHS Trust** felt that before the PSED:

‘People used to see equality and diversity as an add-on, but over time, thanks to training they’ve seen the value of it’ (Interview).

A fourth area of added value was **improving support for service planning and organisational decision-making** on policies and practices. This was mentioned specifically in relation to the particular duties of engagement, gathering of equality information on service users and staff and assessment of impact. By gathering such information it was thought that equality objectives would be more evidence-based, inclusive and targeted.

A **key proviso** to the broadly positive accounts of the Welsh-specific duties in supporting progress was that it was thought by some participants that monitoring and feedback against the specific duties could be better targeted. Where organisations had a long history of work on equalities, participants sometimes felt that it was not the best use of resources for the EHRC to monitor their activities given the progress they had already made.

2.1.3 Non-listed bodies

A number of non-listed bodies had found the Welsh-specific duties useful as a model on which to base their approach to equality and diversity. Of the six participating non-listed organisations based in Wales and operating in the spirit of duty, all but one had developed SEPs and followed all or most of the elements in the Welsh-specific duties. These included Disability Wales, the Driver and Vehicle Licensing Agency, North Wales Police Service, National Assembly for Wales, RCT Homes and the Welsh Local Government Association. Their organisations were motivated to apply the requirements of the PSED because the ethos of it *aligned with their corporate ethos, was seen as best practice*, and/or because the work they did was *aligned with other organisations that were listed bodies*.

One of the advantages of this for non-listed bodies was described by **North Wales Police**. As they work with a range of listed bodies, following both the specific Welsh duties and the UK duties made this collaboration a lot more effective. It meant their equality requirements were standardised. In doing so, this helped raise equality standards with the police force in a positive way.

‘It’s very difficult not to when all your counterparts around you are [working to the duties]. It’s the standard around the council, the health board, ambulance services. It is very difficult to collaborate with our public sector colleagues if we are not working towards the same legal obligations’ (Interview).

Other non-listed bodies said the duties had provided clarity and rigour to certain processes. RCT Homes had found **conducting impact assessments** of notable value. It has *‘made a difference...given [them] a framework on when [they] need to trigger a full assessment or not’* (Interview). The **National Assembly for Wales** also described how following the specific duties had enabled the organisation to work towards embedding equality impact assessments as a more systematic, formalised process (Interview).

Finally, the PSED has helped to secure a **greater corporate focus on equality work** for non-listed bodies. The **Welsh Local Government Association** described the way in which the duties helped co-ordinate work with organisations and facilitate joined up working between partner organisations:

‘the specific duty to have a Strategic Equality Plan (SEP) and objectives has been instrumental in moving this forward by bringing previously separate strands together and encouraging discussion across departments and services. In this way, equality is being embedded across organisations, adding value in multiple areas. This simplification also supports a partnership approach, increasing opportunities to join-up activity across sectors and improving links to priority areas such as tackling health inequality’ (W.S).

Each of these examples provides useful evidence of the value of the PSED for non-listed bodies. This is particularly the case where these organisations work closely with listed bodies and want a tool to help formalise processes and develop a culture based on equality and fairness.

3 Evidence of Progress

This chapter looks specifically at the range and different types of progress made in meeting the requirements of the PSED in Wales. After looking at overall progress in relation to the general duty, we review progress made in putting in place the building blocks to support implementation of the PSED related to the Welsh-specific duties. We then look at the range outcomes that were identified in terms of service improvement and outcomes for staff. The chapter concludes by examining the factors that underpin progress.

3.1 Progress related to the General Duty

There was evidence of participating organisations addressing all three aspects of the general duty (examples are shown in Table 3). All participating organisations could provide at least one example of something they had done that would make a difference related to the general duty; more typically organisations could give more than one.

Although there were examples across all three elements of the general duty, the greatest focus was on promoting equality of opportunity followed by eliminating unlawful discrimination. There was slightly less focus on fostering good relations, although it is possible that much of the work on reducing hate crime might be seen in this light.

Table 3 Examples of projects and improved outcomes related to the general duty

Eliminating unlawful discrimination

Flintshire County Council's Leisure Services' policy was to charge carers/ personal assistants who assisted disabled people in the use of Council leisure centres. This was discouraging disabled people from using leisure services and was also potentially indirect discrimination: *'...we thought that was discriminatory because it was acting as a barrier, stopping disabled people from using our leisure facilities. So we changed that policy. We gave disabled people – if they met certain criteria – we gave them a card... that said the carer did not need to pay'* (Interview).

Promoting equality of opportunity

City and County of Swansea Council had an Ethnic Minority Learners Achievement Service that provided support in education for children, young people and their families when newly arrived in the country and county. Their Stakeholder and Communications Manager reported that this had helped the children to 'flourish' at school and in some cases to out perform some of their indigenous counterparts by up to 10% (Interview).

Fostering good relations

Coleg Sir Gar 'initiated a "respect" campaign as a way of promoting positive attitudes towards equality and a number of activities have been used to promote the message'. In relation to sexual orientation specifically they had supported a campaign raised by LGBT students to tackle homophobic bullying and to reduce the use of inappropriate anti-gay or offensive language (WS).

Gower College Swansea undertook a number of activities to foster good relations and promote awareness of equality issues among their students. They have put in place annual Diversity Fayres that are increasingly successful, including performances, workshops and stalls. Approximately 1,000 students have attended the fayres each year. Around 120 Sports students attended the Show Racism the Red Card workshops at the college as part of a wider national campaign to reduce racism in football (WS).

Although these examples are not exhaustive, they demonstrate the wide range of work being undertaken and the variety of ways in which it had or is likely to make a difference.

3.2 Processes Supporting Progress

This section describes the processes put in place that participants felt had, or would, contribute to meeting the general duty. In particular, it identifies the ways in which progress was thought to be connected to the Welsh-specific duties as the building blocks necessary to meet the PSED. This section outlines the progress made in relation to each of these processes.

3.2.1 The Welsh Specific Duties

The essential guidance to the PSED in Wales sets out a number of processes that listed bodies are expected to undertake. The broad purpose of the specific duties in Wales is to help organisations in their performance of the general duty and to aid transparency.

It was clear that a great deal of progress had already been achieved in meeting the specific duties. This section examines this progress and describes the processes that had been put in place that participants felt had, or would, contribute to showing due regard to the general duty.

Strategic equality plans and objectives

All listed bodies had established SEPs, objectives and action plans and were in the process of implementing them; non-listed bodies also developed SEPs or drew on aspects from this way of planning equality objectives. The number

⁷ http://www.equalityhumanrights.com/uploaded_files/Wales/1._psed_wales_essential_guide.pdf

of objectives appeared to be less important than the extent to which they were specific and that the equality team were clear they had the capacity to undertake or coordinate the work needed to progress them. Some SEPs and action plans bore close resemblance to the EHRC's essential guidance. Non-listed organisations had also written SEPs.

Engagement and consultation

Overall, consultation and engagement were thought to be more frequent and better than prior to the PSED. Where there was scope organisations had conducted community involvement events or consulted specific protected groups and forums. In some cases that had involved existing or new user panels. Others were still in the process of building and trying to maintain the contacts they needed.

Caerphilly Council explained that before the PSED the Council was not aware of all of the local groups that might represent protected characteristics that they could approach for consultation. Since the introduction of the PSED they had identified more groups and individuals. Now they consult with these groups as part of their proposal process. For example, their environmental services consulted on changes to disabled parking with local disability groups. To support staff conducting engagement exercises, the Council has produced consultation guidance that contains information on the importance of engagement with protected groups and provides lists of local groups and voluntary organisations (Interview).

Where there were less resources or time to engage with service users, such as among smaller organisations, approaches were taken to effectively and efficiently consult with community members. **Awdurdod Parc Cenedlaethol Eryri** (Snowdonia National Park Authority) combined their contacts and resources with other North Wales organisations and hosted a joint engagement event. By doing so they felt they benefited more from consulting more community members and groups on their needs, to help inform their equality objectives, than they could have as an individual organisation (W.S.).

Engagement with staff was described as having existed prior to the introduction of the PSED in Wales. However, **organisations described ways in which employee networks or groups were expanded or consulted about new developments more frequently.** The creation of access and disability equality groups helped improve physical access across the estates of Bangor University (W.S.), and supported disabled students while learning. Similarly, consultations were undertaken with staff representing a range of protected characteristics.

The Wales Audit Office established equality interest groups with staff volunteers in attendance to represent people with protected characteristics. The group will be consulted on new policies, both affecting staff and service users. To show their commitment to engaging with staff at all levels, the groups also include two elected staff board members.

By setting up such groups the participant felt that it was less likely policies and practices would be discriminatory towards 'protected groups' (W.S.).

Assessment of impact (Equality Impact Assessments)

Equality impact assessments were being widely used to make a difference to service delivery. They were also being consistently reviewed to make them more user-friendly, more evidence-based and more proportionate. Equality impact assessments were seen as an important way to show 'due regard' to equality issues and to raise the profile of the equality and PSED-related activities of organisations. For some, EIAs had given organisations *'the discipline, the framework, and indeed the obligation, to ensure that all the proposals did look specifically through the lens of the protected characteristics'* (Aneurin Bevan Health Board, Interview). There was also a view that a single equality duty meant that EIAs could assess impacts across all of the protected characteristics rather than looking at each in isolation.

Notably, the EIA process applied to service improvements and changes such as staff restructuring. For example, Conwy County Borough Council discussed how they used EIAs with staff: 'We also carry out EIA's on major staff restructures and the EIA process helps relevant officers to consider how staff can best be supported through major change programmes' (W.S.).

There was some concern that EIAs were being used in the same way to address all policy changes, rather than using an approach that was more appropriate and proportionate to the policy in question. A consistent pattern emerged of public bodies introducing tiered systems. This meant more encompassing policies (e.g. service reconfiguration) received greater attention, while less significant changes received a lighter touch. In this sense progress was being made in relation to how effectively EIAs were being applied and the criteria being used to establish the type of assessments to be undertaken and how long they should take. An example of this was Bridgend County Borough Council.

Bridgend County Borough Council reviewed and updated their EIA tool kit by piloting several versions to assess how user friendly it is. One element of the tool includes providing guidance on an initial EIA screening to determine whether a full EIA is necessary. The tiers include high level and needs a full EIA within six months; medium level and requires EIA within a year; and low level and requires an EIA within three years. The Council sees the initial screen as an opportunity to do the preparation work for a full EIA, if needed. The work is not wasted, but built upon if a full assessment is deemed necessary (Interview).

Examples of where EIAs were being used to make a difference in relation to service delivery included mitigating the effects of cuts in public services. It was identified that these may adversely affect specific protected groups or potentially lead to indirect discrimination. For instance:

Conwy County Borough Council had used local socio-demographic information and consultation to avoid cuts in its library services that might have impacted adversely on older people and disabled people. 'As a result of the consultation, the library service has been engaged in working with local communities to set up Community Libraries to suit community demands. This has included the use of volunteers to extend a core number of hours funded by the Local Authority' (W.S.).

Another example where EIAs were being used to mitigate cuts was given by **Cyngor Sir Fynwy** (Monmouthshire County Council). Here the participant felt that an impact assessment had prevented indirect discrimination by stopping cuts in funding for transport for pupils attending Welsh language and religious schools. It was thought that this would be discriminatory in that some cases the nearest religious school was over an hour away and pupils wouldn't be able to attend a religious school of their choice.

Organisations working in the spirit of the duty also utilised EIAs. When **RCT Homes** refurbished a sheltered housing unit for older people they specifically paid attention to the needs of the tenants who had to be temporarily moved. To avoid discriminating against a tenant with dementia, they were able to move her to a flat with the same footprint as her current flat. This ensured the tenant was as familiar and comfortable as possible (W.S.).

There was also concern among some participants that EIAs were being applied more to mitigate cuts rather than in a proactive way to positive changes. There was disagreement among participants as to whether the use of EIAs to mitigate cuts was increasing.

Equality information

Progress was being made in putting in place systems to facilitate comprehensive and consolidated data gathering on protected characteristics of service users. Organisations recognised that data on service users was often 'patchy'. This was especially the case in relation to gender reassignment, sexual orientation and religion or belief. It was also recognised that there were issues related to non-disclosure of disability. The gathering of data was one area where participants would welcome greater guidance from the EHRC about what to gather and when, and how to deal with issues of privacy and the disclosure of sensitive information. They also sometimes needed support to gain resources to put appropriate systems in place. Despite most progress being made in relation to systems, there were some examples of how data was being used positively.

Cardiff University had used equality monitoring data to discover that disabled students were not progressing as well non-disabled students. They had put in place a programme of work to find out why this was the case and to try to improve the experience of disabled students on campus (W.S.).

Employment information

Processes had been put in to place to improve data collection and the accuracy of equal opportunities monitoring of staff. A prominent theme across the listed bodies participating in the research was the push for the review of systems and processes related to information gathering and reporting on staff against protected characteristics. Reviews were undertaken to assess the state of existing data on protected characteristics of staff before actions were developed to improve information gathering. Some organisations reported still being in the review stage. Improvements included updating software systems, cleaning existing data, and updating monitoring forms to include the nine protected characteristics. The following example was given:

The **National Assembly for Wales** noticed staff members were not fully reporting their staff equality information on the HR IT system. To improve the patchiness in their monitoring information, HR colleagues and the Equality Team reviewed the HR system then developed a notification system to encourage staff to participate via a regular, automated email reminder. The National Assembly for Wales utilised Stonewall guidance to explain why HR was monitoring and collecting the information to better support staff in understanding the importance of disclosing their information. By doing so coverage of data on sexual orientation, for example, increased from 28% to 80% of their workforce (Interview).

These initiatives contributed to the production of equality reports and staff equality statistics that were felt to be more accurate, reducing the 'patchiness' of staff data. A range of new monitoring indicators were introduced by organisations to better capture information about protected characteristics of staff such as monitoring employee turnover to increase diversity of the workforce and better reflect the local population. Updating monitoring forms to reflect all the protected characteristics had also been completed.

Pay differences

All listed bodies in Wales are expected to address pay differences and particularly to set an objective to address the gender pay gap. Organisations demonstrated steps they had taken to review and address pay differences, especially the gender pay gap. These included conducting pay audits, the creation of equal pay task forces, and seeking advice from advisory groups. Others participated in research beyond their institution that looked at the reasons for gender pay gaps and how to address them in Wales more broadly.

The **Wales Audit Office** conducted a job evaluation exercise and collected detailed information on how people at the same grade are paid. They revealed there were more men in senior roles than women and a structural pay difference with women earning 20% less than men, on average. This greater understanding of the issues relating to pay had encouraged them to review recruitment and promotion processes. They are currently in the process of launching a staff survey to provide

staff the opportunity to speak on the issue (W.S.).

Some local authorities felt that they had already done a lot of work on the gender pay gap as part of the process of assessing jobs for equal pay of equal value. Other authorities had looked at pay differences more broadly. For instance, **Wrexham County Borough Council** conducted an equal pay audit; developed an action plan to address employee data gaps; completed an employee opinion and satisfaction survey; and published employment monitoring information. They will use this information to explore what more they can do to reduce unfair pay differences (Interview).

Staff training

Training was being used in ways that promoted knowledge and understanding of the PSED and that served to support service improvement. Participating organisations were all in the process of ensuring that all their staff had a basic level of equalities training, consisting of inductions, e-learning and awareness-raising. Training that included scenario-based workshops was also introduced to improve service delivery where there was a diverse user base to ensure services were not being delivered in exclusive or discriminatory ways. Two Councils described the ways they have made their services more inclusive to service users:

Flintshire County Council was taking steps to ensure its youth service is inviting and inclusive for the LGB community. The Council has introduced a component in the induction programme for new youth workers around awareness and sensitivity to lesbian, gay and bisexual needs (W.S.).

Another council, **Rhondda Cynon Taff Council**, implemented training on using the DASH (Domestic Abuse, Stalking and Harassment) system for social workers to help them better identify people at risk of domestic violence. This would enable social workers to refer vulnerable people to the incident and domestic violence coordinator (W.S.).

Participating organisations identified the need for managers to have training related to the conduct of EIAs to support policy changes and service planning. For example, **Betsi Cadwaladr University Health Board** worked with senior staff across the organisation to ensure EIA's are embedded within the Terms of Reference for each of their projects. By offering targeted training and advice and developing a number of tools and guidance documents the Board has helped senior staff to understand more about EIA's and how to go about it (W.S.).

The PSED had raised more and new training opportunities for staff to learn about equality and diversity issues. Participants talked about there being a greater offer of support from their organisation to meet the requirements of the PSED such as general awareness training, specific equality courses, and better resourcing to undertake them. For example, one Council had recently delivered

general equalities training about the PSED to more than 900 staff, bringing those trained up to 1800. In addition to general equalities training, staff employees across a number of organisations were also able to take advantage of courses in D/deaf awareness, transgender issues, older people's needs, responding appropriately to LGBT youth, and improving qualifications and access to work for young people in care. **Swansea Council** are working with Stonewall to deliver training for school teachers in dealing with cases of homophobic bullying. This was in addition to its general training to all head teachers around the protected characteristics and the PSED. There were a number of other examples of the way in which new and better training was likely to have an impact on the knowledge of employees and service delivery.

Betsi Cadwaladr University Health Board identified a need for EIA skills workshops on how to gather and use existing information to inform EIAs. They created an intranet resource that helped signpost staff to other completed EIAs that may be of use. These efforts help to embed equality and diversity within the organisation's processes and to effectively support staff in meeting the requirements of the Welsh specific duties (W.S.).

Bridgend County Borough Council rethought how they approached equality and diversity training for staff. General awareness training is still provided but they are working to develop a more 'hands on' approach. For example, the Council plans to invite representative groups in Bridgend to work with their customer contact centre about how to best provide service to particular groups. The Visually Impaired Society would work with staff to give them firsthand experience of how to talk with and support someone who is visually impaired (Interview).

It was often difficult to assess the direct impact of training opportunities but there was some anecdotal evidence that equalities training were seen as interesting and informative. **Velindre NHS Trust**, for example, offers equality and diversity training over two days and focuses on linking the principles of equality and the legislation to the individual job roles of those in attendance. The Trust reports the impact is subtle but recognisable as the instructor has staff coming up to her afterwards saying, '*I thought [the training] was going to be really boring, but actually it's really interesting; I've learnt something I didn't know about*' (W.S.). There was therefore evidence that there were not only greater opportunities for training but also that its quality and applicability was being improved.

Procurement

Steps had been taken ensure that appropriate procurement processes were being put in place but knowledge of these processes or their effectiveness was not as good as other areas. Where procurement was raised in the interviews or written submissions, it was described as a bit like an 'add on' to the duty. Knowledge about the way in which the general duty had been integrated into the procurement processes varied considerably, although this sometimes reflected that this was not the participant's role. The procurement procedures usually required a pre-qualification questionnaire (PQQ) or a system in which equality considerations

formed part of an overall score to determine where other organisations would be awarded a contract. An example of the types of content included in a pre qualification questionnaire is described by the **National Assembly for Wales**:

The Assembly pays particular attention to equality during the procurement process. Prior to starting a procurement exercise it undertakes a Sustainability Risk Assessment, which includes looking at equality and diversity issues that need to be considered in delivering the contract. If any areas of concern are identified, it looks to address these in the specification and require the provider to detail exactly how they intend to manage the equality issue. Its pre-qualification questionnaire asks questions on whether a supplier has had a finding of unlawful discrimination by an Employment Tribunal in the last three years. Those suppliers who have discriminated may find that they are eliminated from the tender process, unless they can evidence appropriate action taken to stop it happening again. Ultimately their chances of being invited to tender are reduced. The Assembly pointed out they will share their own equality policies with unsuccessful contractors, in an effort to bring them up to their standard for future contracts (Interview).

Notably, **Caerphilly County Borough Council** had provided training on the PSED to their procurement team. This had helped them understand the duty better and had facilitated greater discussion about how it could be applied proportionately and effectively.

Views varied as to whether such procurement processes improved progress towards equality. One view was that it gave third and private sector contractors a clear view of what they needed to do. Another view was that for smaller contractors or smaller value contracts such processes could be disproportionate and put them off applying for contracts. There were particular problems where equality considerations did not affect the overall score of a preferred bidder with a bad equality record or, as in the case of GPs being contracted by Health Boards, there was no real alternative provision.

3.2.2 Overall progress and compliance

Overall, **it was clear that progress had been made in putting in place the support needed to achieve service improvement and improved outcomes for staff.** In particular, the attention paid to compliance with the Welsh-specific duties such as writing a Strategic Equality Plan (SEP), setting equality objectives (including one on gender pay differences), conducting Equality Impact Assessments (EIAs) and gathering equality monitoring information. In other cases, organisations discussed the way in which the specific duties had facilitated work that was already producing measurable positive outcomes.

At the same time, **there was no evidence of under compliance from participating organisations, even when asked in confidence.** While some organisations were not as far forward as others in meeting the general duty, there were no examples of organisations that were not fulfilling or not on the path to fully fulfilling the Welsh-specific duties. Compliance was attributed by participants to the

detailed nature of the Welsh-specific duties compared to greater flexibility supposed to be provided in the English form of equivalent duties.

3.3 Progress towards Outcomes

This section looks at progress in terms of whether the PSED had supported changes and initiatives that addressed the general duty. In other words, whether there was evidence that public sector organisations in Wales were carrying out activities that had or were likely to eliminate unlawful discrimination, advance equality of opportunity and/ or foster good relations. We do this first for *service improvement* and then for *improvements for staff*. In particular, we describe: (1) what was being done to meet the three elements of the general duty; (2) whether and how those elements were being met within different sectors; and (3) what progress had been or was being made in relation to each of the protected characteristics. The chapter finishes by looking at the factors that were seen to underpin progress.

3.3.1 Service improvements

As discussed in section 1.2.3 there were different levels of evidence of progress that ranged from discussion of changes in existing policies and practices, to new programmes and initiatives that were already making a difference to services users, or that were expected to do so in the future. Despite the fact that many participants thought that it was ‘too early’ after implementation of the PSED to be able to provide hard evidence of changes in terms of outcomes, **all participants could provide at least one example of a change in practice or a new initiative that they thought was making a difference.** Participants in local government, health and higher education sectors could more typically give more than one example; this was also the case for non-listed bodies. Where the PSED wasn’t making a measurable difference to service improvement there was evidence to support the views of participants that there would be some degree of tangible change in future.

Progress by sector

In talking about sectors we have divided participating organisations into five broad groups:

- **Local government; health** (including Local Health Boards and Trusts);
- **Education** (including colleges, universities and other higher education institutions);
- **Other listed bodies** (e.g. fire and rescue, regulators and park authorities);
- **Non-listed bodies** that operate in the spirit of all or part of the Welsh specific duties.

There was some evidence that local government, health and education

sectors were further forward in the range of activities they were undertaking to meet the general duty than other listed bodies who were still putting in place the foundations for similar work and meeting the Welsh-specific duties. Nonetheless, all participating bodies had addressed at least one aspect of the general duty, with most doing much more. Differences in the range and level of activity reflected to some extent the different nature and remits of organisations. For example, the broad remit of local authorities meant that it was easier for them to see a broad scope of work they could do.

Other listed bodies such as fire and rescue, funding councils and auditors have a more focused remit in the services they deliver. In taking a proportionate approach they were less able to list numerous areas of service improvement relevant to their work.

Local Government

As might be expected there was a large amount of activity and progress related to the general duty that befitted the wide range of work that Local Authorities do. For example, we found examples of activity in relation to the delivery of social services, promotion of health and well-being, leisure services, transport services, schools services, safety partnerships, environment and street cleaning and electoral services. There was also evidence of work to promote a better understanding of equality and diversity across Local Authorities as a whole. Key work in local authorities included:

- Awareness raising among staff about the needs of different 'protected groups';
- Reducing the impact of cost savings on adversely affected specific groups;
- Reducing hate crime by facilitating more ways to address it and making sure it was dealt with as seriously and quickly as possible;
- Improving access to council services and buildings, especially for disabled people;
- Addressing under-representation of specific groups in electoral and other representative processes;
- Health and well-being initiatives such as setting up domestic abuse support services or advertising existing services better;
- Targeted exercise programmes in conjunction with health authorities to improve public health.

Examples of the main types of activities and progress discussed included are shown in Appendix D.

Significantly, some of the work that Local Authorities were doing was in partnership with other public bodies. This included working with organisations in the health sector on targeted exercise programmes to improve public health; working with the

police in community safety partnerships to reduce hate crime and domestic abuse; and with schools to reduce homophobic bullying.

Health

Initiatives among participating organisations in the **health sector** were concentrated around five main areas. These were:

- Assessing patient experiences and complaints for instances of unlawful discrimination and for other improvements;
- Improving the availability of data and information on the health needs and experiences related to protected characteristics;
- Promoting better access and accessibility of health information and services;
- Targeted promotion of exercise;
- Promoting greater dignity.

Examples in relation to each of these approaches are shown in Table 5 in Appendix D.

Education

In terms of the **education sector** colleges and universities had made progress in a number of areas. These are shown in Table 6 in Appendix D. The main ones were:

- Addressing equality data shortfalls on students and staff so that discrimination and equality of opportunity can be assessed;
- Assessing patterns of access and progression to see how they can be improved for 'protected groups';
- Reviewing curriculum to ensure that it is inclusive and non-discriminatory;
- Addressing gender stereotyped subject choices, gender segregated career paths and the consequences for seniority and pay;
- Benchmarking with other HEIs achieving equalities accreditations.

Notably, some local authorities discussed work related to the PSED in schools. Although this was outside the scope of this study, positive developments were noted. This included the development of Strategic Equality Plans by some schools and initiatives such as addressing homophobic bullying, which were supported by local authorities.

Other listed bodies

Other listed bodies had not always made as much progress developing activities and project work compared to the sectors above but were nonetheless moving forward. In particular, they were putting in place equalities infrastructures and processes or, where they were regulators, funders or associations putting in place

processes that supported the PSED among the organisations they worked with.

Other organisations were also conducting work reflecting their remit and roles:

The **Higher Education Funding Council for Wales (HEFCW)** had made progress in relation to examining how their sector was responding to issues such as provision for people of different faiths and people with mental health conditions, and had issued guidance on advice to pregnant students (W.S).

Non-listed bodies

Non-listed bodies had also undertaken a great deal of work and in some cases were as far forward as listed bodies.

North Wales Police had focused, for example, on addressing hate crime and harassment of disabled people on public transport through partnerships with a local bus company. As their Head of Equality said: 'we launched a campaign just before Christmas around disability and the abuse people were receiving on public transport. We in partnership with Arriva buses and local community groups ran an operation on the buses to put posters up about the reporting of disability hate crime. This had a clear message to victims to report the incidents to the police and warn potential perpetrators that the police take these issues very seriously and will arrest' (Interview).

Although, it had been difficult for the police force to assess the impact on disability hate crime report in terms of whether it would increase or decrease, the participant noted that he had received feedback from disabled people. It was reported that disabled people felt more comfortable travelling on public transport. The posters provided reassurance that the public knew that harassment of disabled people would be treated seriously.

Further examples are given in Appendix E.

Progress in relation to protected characteristics

Projects and outcomes were discussed in relation to a number of protected characteristics as in Table 4 in Appendix D. A great deal of work was focused around sex, disability, sexual orientation and race. A number of female participants felt that sexism among service users and some colleagues remained an issue. Fewer activities were identified in relation to *gender reassignment* and *religion or belief*. There were a few examples of awareness-raising activities with regard to gender reassignment. Sometimes work related to this protected characteristic was also incorporated under attempts to reduce discrimination or promote equality of opportunity in conjunction with work linked to sexual orientation. There were also some instances of work promoting good relations between religions and beliefs, such as a Faith Week, at a university. Other listed bodies found it difficult to reach different faith communities within their locality. Work related to pregnancy and maternity was linked to sex while issues to do with marriage and civil partnership

(now joined by same sex marriage) were addressed in relation to sexual orientation.

Socio-economic and other issues

Some participants described other important equality and diversity work that they thought was more to do with discrimination and inequality more broadly and that didn't fit neatly within the protected characteristics. This could, for example, included work to find apprenticeships for young people not in employment, education or training (NEETS) and the use of the procurement and contracting process to try to negotiate a 'living wage' (as opposed to the minimum wage) for the employees of local authority sub-contractors. Other examples provided included addressing reports that patients had not been cared for with dignity and respect.

Cyngor Sir Ynys Môn (Anglesey County Council) had tried to address decreasing uptake of free school meals by introducing a 'no money' approach to payment of school dinners to reduce the stigma for disadvantaged children of not paying in front other children (W.S.).

Such examples may provide useful evidence for the Welsh Government in deciding whether to implement a socio-economic duty in future.

3.3.2 Outcomes for Staff

Equal pay

Some organisations had moved beyond equal pay audits to begin to address the reasons for pay differences, including a focus on gender. Where equal pay assessments conducted revealed instances of pay differences between genders initiatives were undertaken to reduce the gap. A prominent example was the Athena SWAN programme that looks to advance women in science, technology, engineering, medicine and mathematics. In 2013 **Aberystwyth University** applied for a bronze award on this programme and the feedback they received was useful in highlighting that their data had gaps and that they needed to conduct a staff survey. They have now collected better data and are conducting the survey to explore why few women are applying for senior positions. This work will also be complemented by staff focus groups (WS).

The University of South Wales was also piloting the Women in Universities Mentoring Scheme (WUMS) and became one of the Welsh organisations matching female mentors and mentees from across Welsh institutions to encourage women to take up more senior positions. It was reported that the university had become the lead Welsh organisation matching female mentors and mentees from across Welsh institutions (W.S.).

Other organisations developed their own initiatives to try and tackle unequal pay either through better understanding the reasons for gender pay gaps or by

attempting to remove barriers and challenging stereotypes of men/women seeking particular jobs. **Betsi Cadwaladr University Health Board** has completed analysis of differences in average pay between male and female members of staff. They have since formed a Task and Finish Group to better understand the reasons for gender pay gaps in the organisation and to develop actions to start to tackle the issue. For example, they are shadowing the work being undertaken within the WAVE project at **Cardiff University** aimed at identifying the factors that give rise to gender pay differences in public sector organisations (WS, E&D Rep).

The National Assembly for Wales analysed staff and recruitment data for the Annual Equality Report 2012-13 and uncovered that 70% of its BME workforce was concentrated at the lowest pay band. After speaking with BME members of staff individually the Equality Team drafted an action plan which included initiatives such as building trust and breaking down barriers for BME staff. In addition, the Management Board approved the action plan and set aside resource to implement the plan (Interview).

Supporting staff to become more inclusive in their work

The development of new tools and setting up diversity teams to meet the PSED and support staff had the potential to make service delivery more inclusive. A recurring theme was that Equality and Diversity Officers had used the PSED to help provide resources that allowed ordinary staff to become more inclusive in their approach to work. An example was given in relation to supporting staff to undertake EIAs:

The **General Teaching Council for Wales** created a resource library for use in conducting EIAs and built a small team with experience of EIAs to act as resource for the rest of the organisation. The most prominent example of tools was the development of tailored and brief handouts, often hosted on the intranet for quick access. These handouts summarised facts for employees which they may need to reference in their role (WS).

Not all organisations extended their training and support for all staff. Rather, participants described some strategically focused efforts in order to provide support for people when needed. This support helped staff access appropriate information and guidance to conduct their role in line with the PSED and in an inclusive manner. Similarly, the North Wales Police offers senior officers access to an advisory group on equalities which is on call for assistance with equality related concerns. This targeted support for senior staff enables them to be more inclusive in their work and more responsive to equality related tasks.

Initiatives to support the health and well-being of staff

Initiatives to support the health and well-being of staff had been introduced among health and local authorities, National Assembly and a university. These focused around two main areas: domestic abuse (primarily associated with the protected characteristic of sex) and mental health (primarily associated with

disability). Organisations that hadn't done any new work in these areas put this down to the challenge of competing priorities or because they already had policies in place that captured mental health as part of their wider policy on disability and ill-health. In relation to **domestic abuse** health and local authorities had paid particular attention to signposting resources for female staff.

A review was undertaken by the **Aneurin Bevan Health Board** of its domestic abuse policy to ensure it was inclusive and was promoted by consulting staff and recruiting staff champions. The result was an increase in enquiries and an uptake of staff in abusive relationships asking for support. This was believed to be especially relevant to the organisation as 80 per cent of their workforce is female (W.S.).

Bridgend Council is taking their domestic abuse initiative a step further and are planning to appoint domestic abuse representatives in each of the council service areas by 2015 (Interview).

Some organisations were looking at whether the policy could be expanded to cover men and same sex couples.

Employers including health and local authorities, the National Assembly for Wales and a university demonstrated increased commitment to supporting the **mental health** of their staff by signing up for programmes and charters such as Time to *Change Wales*⁸ and *Mindful Employer*⁹. It was unclear whether this had direct outcomes for staff but anecdotal evidence suggested staff may feel more comfortable talking about such issues in the workplace.

Initiatives to make organisations more representative

There was evidence of organisations taking steps to improve the representation of their staff to better reflect the local community and to encourage under-represented staff to apply for positions and promotions. Initiatives to make organisations more representative of the local community included policy changes and events to attract BME members of staff.

For example, the **DVLA** learned from analysis of staff data that BME individuals were under-represented in the organisation. Consultations with local ethnic minority groups suggested that people may not understand the competencies required of DVLA jobs. In response to this the organisation recently hosted a job fair targeting BME individuals and held workshops to better inform people about the competencies required of the jobs. It is too early to tell whether this has improved recruitment but the organisation anticipates a greater uptake of applications by BME individuals in the community (W.S.).

⁸ <http://www.timetochangewales.org.uk/en/>

⁹ <http://www.mindfulemployer.net/>

The way in which organisations had identified gender inequalities and segregation of roles within organisations was described. For instance:

The Director of **RCT Homes** observed that men traditionally dominated ‘the trades’ that maintained their homes. In an effort to attract women to apply for these roles they had hosted taster days, talks in schools, workshops and provided work shadowing opportunities to engage with women.

Local authorities also discussed attempts to address under-representation of disabled people and people from BME groups in their organisation relative to these populations in their local communities.

3.4 Factors Underpinning Progress Made

A number of factors underpinned the amount of progress made across different organisations. These are discussed under the headings below.

Strong leadership and ethos on equality

Organisations that had a strong equality and inclusivity ethos prior to the PSED were further forward than those that did not. They felt they were ahead because they had *organisational leadership* and an ethos that supported equality and diversity, rather than progress being directly attributable to the impact of the PSED. At the same time, organisations with existing equality infrastructures saw that they had less work to do than those where they needed to be introduced from scratch or where they needed further development. The view of being ‘ahead’ also applied to organisations that felt that they had an existing culture of ‘continuous improvement’ that tried to address all of their customers’ or clients’ needs. Conversely, organisations such as the police and fire and rescue services said they had to address historically less progressive cultures but were, nonetheless, making significant progress.

Interview participants commented on the importance of leadership from the top of the organisation if the PSED was to be fully implemented. For example, in one police force progress was thought to be aided by a supportive Chief Constable who took personal ownership of diversity. Another example was given by the **DVLA**.

The DVLA explained there is ‘very clear support and good steer at the top of [their] organisation and in the Department for Transport there’s again good steer and good rapport because we’ve got diversity champions who very much believe in it and meet regularly to try and push some of the issues forward’ (Interview).

Some participants noted that it would be helpful if the EHRC targeted senior executives from time to time to remind them of their duties in relation to the PSED to help them to secure resources to address problems identified.

Good knowledge about how to address the PSED at a practical level

There was variation in the level of knowledge that organisations and individuals within them had about how to address the PSED at a *practical level*. Some organisations were finding it challenging to ensure that the right skills and networks were in place to implement the PSED across the organisation. This related to data monitoring and analysis, general education around equalities issues and facilitating wider engagement. Two ways to address this were discussed. A number of organisations in North Wales had set their objectives together and had been able to learn from each other in the process. The EHRC's Equality Exchange meetings were also seen as useful opportunities to share information and experience that helped make progress easier. A difficulty that arose in terms of meeting knowledge shortfalls was that some participants said there had been difficulties in guaranteeing that staff would be released for equality training.

Ownership of the PSED within the organisation

The extent to which staff beyond equality and diversity staff took ownership of the PSED was important in smaller organisations with fewer E&D staff and in larger ones where the size of E&D teams had been reduced. Some larger organisations had large equality and diversity teams while smaller organisations may not have a dedicated equality person. There was a strong view among some participants that the difference between organisations' capacity to have a dedicated equality person needed to be given greater account in the EHRC's monitoring. This was because those smaller organisations without a dedicated role may appear to be progressing less because of less capacity to stay at pace with larger bodies. The scope of the PSED was seen to be particularly challenging for smaller listed bodies. Although not included in this study, there was also concern that some schools were struggling to write their own SEPs and to do EIAs, which was of concern to the Local Authorities that supervised them.

Overall, however, *progress was faster where equality and diversity had been better mainstreamed and embedded*. In these instances the wider organisation took ownership for the PSED rather than it being the preserve of a few 'equality champions'.

'In our equality plan we have actions for each of the service areas. It's not the equality team's action plan, it's the [organisation's] action plan. So they're making sure that they promote equality and challenge discrimination. It's been a lot of work over the last few years. Moving away from, "send it to the equality team"' (Interview).

Balancing 'quick wins' and longer term programmes of work

Progress was affected by the range and scope of equality objectives, particularly whether there was a good balance of shorter-term quick wins and complex work that needed more time. Although not explicitly mentioned by

participants, it was clear that some organisations had made progress by choosing a number of activities that would give them relatively 'quick gains'. For example, organisations described changing the format of information to make it more accessible or conducting awareness-raising activities. By contrast other, usually larger, organisations conducted comprehensive programmes of engagement and set in place longer-term changes in policies and practices that may contain a number of different elements of project work or that could include a wide variety of stakeholders. It was usually in relation to such broader, longer-term work that participants said it was 'too early' to make an assessment of impact. There was also some discussion about how it was possible to assess the effects of such complex work.

Sufficient resources

Ability to secure resources to undertake all aspects on the work of the PSED was seen as challenging. In general the scope of the PSED was seen as ambitious. One view was that the requirement to conduct an EIA for every policy was disproportionate. EIAs raised the issue of how to respond appropriately and efficiently. The work that needed to be done could raise challenges in relation to sufficient resources and capacity of staff.

'Well it's kind of a doubled-edged sword here because again [you're talking] about unlimited resources. In an ideal world we'd be able to pinpoint what particular needs are and move forward with those but we don't have that ... And that's kind of what we're trying to do because we're restricted on funds. We're restricted on resources, and that's not just money in the, in the pot, that's actually staff on the ground. So, you know, you've gotta be clever in how you do that' (Interview).

Another view emphasised the need for a balance between reporting and monitoring, and activities and engagement. Some participant's expressed concern that this balance was not always achieved. The concern was that too much time was spent on the former. Notably, some organisations included the need to provide detailed information for some accreditations and benchmarking exercises that organisations have chosen to partake in as part of their perceived reporting burden. This put a drain on resources that meant it wasn't possible for organisations to have made as much progress in relation to outcomes in service improvements and outcomes for staff as they would have liked (The challenges related to EIAs are discussed further in section 4.1.1).

Concerns about resources and the size of equality teams also arose because many had seen staff numbers reduced due to austerity measures. Participants were keen that the impact of cuts on all public sector activities was acknowledged in relation to the PSED. For example, in a team with fewer equality and diversity officers the remaining officers faced bigger workloads and wider geographical coverage. This was thought to have reduced the extent of community engagement that could now realistically be achieved. Participants had also observed managers

releasing staff less often to attend diversity events or allowing them time to organise equalities related meetings or discussions. Austerity measures were also seen as affecting some organisations' ability to employ dedicated equalities staff and to compel staff to take on equalities work. In some instances, this created the impression that equalities work was being de-prioritised. In this respect participants said they would welcome the EHRC reinforcing the message among senior managers and executives that equality and diversity wasn't something that could be ignored in harder times.

Concerns were also expressed that spending cuts to the EHRC could diminish EHRC support including face-to-face support and the Equality Exchange in Wales. It was thought that cuts to other bodies and third sector organisations could mean fewer opportunities to collaborate with and receive support from others. Another issue related to cuts was whether information published in the public domain needed to be published in Welsh and English, which some felt could put a strain on their resources.

Balancing competing priorities

Major changes to the organisation and its funding could slow equalities work.

This was especially the case where there were organisational mergers, service reconfigurations or substantial cuts in services leading to restructuring. In addition organisations found it difficult to prioritise and give sufficient attention to equalities issues when other schemes were operating at the same time such as the Single Integrated Plan, Local Development Plan, Welsh Language Scheme and the Linguistic Skills Strategy, amongst others. While organisations didn't think that the PSED could be ignored in these contexts, it was thought that this was an important factor relating to progress.

Overcoming sceptical forces and narratives

The extent to which resistance to equalities work arose and fed into negative narratives of 'political correctness' where the explanation for the necessity of the work wasn't clearly thought through and/ or properly explained. These issues particularly arose at the point where staff were asked for equal opportunities monitoring information where the purpose of gathering it wasn't properly explained; or when managers were asked to conduct EIAs that they thought were unnecessary or disproportionate to the policy or practice involved. Progress was made more difficult in some organisations where these issues clashed with wider social narratives about the equality agenda as 'political correctness' which they believed was supported by large tracts of the media.

'Well it's in the fact that you know, people are reluctant to fill the forms in and... when there's very negative media publicity about an authority that has been asking the equality monitoring questions and there's been a big backlash, then it makes services scared to ask for that information' (Interview).

Underlying, these views in a few cases was the narrative that the PSED was part of wider intrusiveness and of 'big government'. The UK government's Red Tape Challenge was thought to at be odds with the direction. Especially its emphasis on reducing possible bureaucratic burdens was thought by some participants to have been unhelpful to the promotion of equality. The framing of the early review of the PSED in England as a way to examine how 'bureaucracy' could be reduced was thought to have sent out negative messages about the value of the PSED. While no participants agreed that difficulties implementing the PSED outweighed its benefits, they felt that conflicting messages between the Welsh devolved and UK contexts was confusing and had been used by some senior managers in their organisations to undermine their efforts. They suggested that there should therefore be better co-ordination and leadership from central government (both Welsh and UK government). In particular, the UK government's signal that EIAs were not a necessary part of implementing the PSED was thought to undermine Welsh efforts to uphold the process of the assessment of impact.

4 Challenges and Improvements

This chapter draws out the barriers and challenges to implementation of the PSED identified by participants. It also addresses what participants thought the EHRC could do to help them fulfil their duties better and to improve communication, awareness and knowledge of the PSED. We look first at specific challenges arising from the PSED and its requirements and then at the wider context in which the PSED in Wales operates.

4.1 Specific challenges

Four main areas were raised by participants:

4.1.1 Improving confidence and taking a proportionate approach

Organisations needed greater practical information and support to be sure that they were implementing the PSED in line with best practice and in a proportionate way. Compared to the English specific duties the Welsh duties were praised for being more detailed in nature and therefore easier to implement. They were also thought to be clearer and easier to interpret for non equality and diversity experts. Nonetheless, it was thought that an organisation's confidence that they were interpreting the PSED correctly could be improved in three ways.

- Firstly, there was a desire for **more feedback from the EHRC and peers** that organisations were complying with the Welsh-specific duties in the correct way. Participants across a range of organisations felt that it would be helpful to receive feedback on how appropriate their SEPs had been for their particular sector and any ways in which their plans could be made better.
- Secondly, there was a strong desire for **more user-friendly resources demonstrating what the EHRC, the Welsh Government and the UK Government considered effective practice in implementing the PSED**. This may appear to contradict the view expressed earlier that there was a lot of general guidance on equalities for organisations to draw on. However, participants were calling for more specific worked examples or case studies that could be adapted for their own circumstances. In particular, there was a desire for more examples of how to conduct impact assessments on policies and practices in a proportionate way. Existing statutory guidance was often considered lengthy, difficult to navigate and open to misinterpretation about, for example, how much information to collect and publish in annual reports. Despite generally good feedback from participants about the EHRC's support functions, some participants had experienced delays and less relevant responses from the EHRC than the guidance offered by organisations such as Acas. In this context it was thought that this was likely to be the result of increasingly limited resources for the Commission.
- Finally, participants **wanted more shared information about how**

organisations were conducting EIAs. The view that there was insufficient information about the best ways to conduct EIAs proportionately meant that the process of assessment of impact could be very time-consuming. This was of greater concern for smaller organisations with little dedicated resource for equalities as well as organisations where equalities were seen as a discrete area of work rather than embedded within all practices. It was thought that EIAs sometimes duplicated similar work in other organisations and that greater sharing of this information between them (especially in the same sector) could help reduce duplication. On occasion EIAs were seen as disproportionate and it was suggested that the amount of work required should be relative to the size of the organisation and its equality and diversity function.

There were however examples of organisations who felt at ease with the way in which they complied with the specific duty of assessment of impact. Participants from these organisations argued that whether or not EIAs were burdensome depended on whether or not you supported equality and diversity and an organisation's interpretation of how this duty needed to be applied. Where EIAs were tailored to meet the nature and scope of changes through 'tiered' approaches it was felt they could be applied more proportionately. As discussed above, some organisations had already started to work these issues out for themselves and there may be opportunities for them to share this learning through the EHRC's Equality Exchange meetings. In contrast some organisations struggled with the meaning of taking a 'proportionate' approach, because of how justifiably comprehensive the EIA was in their eyes.

Some participants emphasised the value of conducting assessments by revising their templates to emphasise the positive benefits of equalities work and not just the requirement to comply. These included being better equipped to design services, identifying which groups may be at disadvantage, and in turn improving efficiency and satisfaction rates.

SUGGESTED WAYS TO IMPROVE CONFIDENCE AND ENSURE A PROPORTIONATE APPROACH

- Continue the EHRC's Equality Exchange meetings and use the space to workshop the issues raised in this report. Publish outcomes of the discussions, practice examples, templates being used (e.g. EIAs, SEPs), etc. on the internet for people who were unable to attend them.

- Improve the part of the EHRC's website that supports the Exchange meetings by: (a) providing better signposting to existing guidance on EIAs; (b) case examples of ways in which organisations had conducted EIAs This could include examples that are considered to be proportionate to the policy or practice under consideration and relative to the size of the organisation, resources and equality function.

- EHRC could explore ways to better support organisations that need the most guidance, for example, by better sharing of information on engagement, setting of objectives and ways to meet them demonstrated by a number of organisations working together in North Wales.

4.1.2 Gathering equality data and reporting

Collection of equality data and reporting were described consistently to be areas of challenge where information on how challenges can be addressed and support from the EHRC would be appreciated. Three main issues arose:

- **Quality of data and systems:** some organisations, particularly smaller organisations, lacked existing IT infrastructure or data skills to collect high quality equality monitoring information and to gather such information efficiently. Gathering of good quality monitoring information was also of concern to larger organisations where information systems pre-dated PSED and where changes to the way that data was collected was difficult to change. Participants described challenges in adapting existing systems to meet PSED requirements without incurring considerable additional cost. In some cases participants described using a large amount of their resources on being able to capture data at the level of detail required for PSED reporting. This was seen as excessive and as a result, questions were sometimes raised over the value of committing resources to this kind of data collection. Especially when the outputs may be patchy or unreliable.
- **Privacy:** some organisations faced resistance in the collection of data on protected characteristics, particularly religion or belief, sexual orientation, gender reassignment and disability (including chronic health conditions and mental health). Service users and staff did not always understand why the information was being collected (although these concerns were usually reduced where adequate explanation was provided). Data gathering was more of a challenge in sensitive settings where data was collected alongside data on health conditions, for example. Participants in some contexts faced challenges describing with clarity why this data collection was necessary. For example, one university had faced opposition to the collection of data in relation to ethnicity and religion or belief. Some students felt it might be infringing their human rights to privacy and freedom of religion to ask for it. This was despite the data being required to examine patterns of educational progression. In one case a local authority attracted negative publicity from the national media about an equalities monitoring exercise which caused discomfort around collecting such information.
- **Absence of requirement to act:** several participants described how meeting these data challenges could be more difficult because the PSED only required organisations to publish the information and not necessarily to act upon what they found. There was a view that the focus on data collection, while important, had led to a perception that it was data collection without a specific objective and that it generated reporting for reporting's sake. It was suggested that the framing and implementation of the PSED would benefit from greater emphasis on action and how to use the data to effect change.
- **Work required gathering and publishing equality information:** data collection and monitoring requirements were sometimes seen as arduous. The work required to gather data and information for EIAs, in particular, was sometimes considered time-consuming, particularly alongside other

requirements such as developing objectives and writing the strategic equality plan. Despite perceptions of a heavy information gathering and publication workload, participants agreed with the wider requirements of the Welsh specific duties. It was felt that under the English model there was uncertainty about whether assessment of impact was necessary, which could risk important issues being overlooked. The Welsh duty also enabled organisations to produce a record of achievements that they could refer back to and this was viewed as a key benefit.

SUGGESTED WAYS THE EHRC AND OTHERS COULD SUPPORT DATA GATHERING AND REPORTING

- **Better signpost organisation's to research and guidance on how to ask for equality monitoring information in relation to each protected characteristic, especially in relation characteristics where privacy is seen as an issue .**
- **Publicly reinforce the importance and reasons for collecting monitoring information in response to negative media campaigns and to educate senior managers and the general public about the value of this type of data collection.** Participants felt that the EHRC could do some work to promote the benefits of PSED to organisations with stories of how people's lives have been changed as a result of equality monitoring or EIAs.

4.1.3 Joining up and sharing monitoring

The fact that monitoring information was requested by the EHRC and regulators was thought to duplicate work. Three areas of concern arose:

- The potential for duplication of monitoring: participants noted that since some regulators were also subject to the PSED, this meant that the organisations they regulated were asked for monitoring information twice; once by the EHRC and again by the regulator for their sector. Notably, these requirements appeared to have grown as the PSED became more embedded. Organisations were also monitored in that they adhered to professional guidelines and standards. Human Resources procedures, for example, were already seen to address a number of the fundamental issues that the PSED was concerned with by following guidance from Acas or CIPD. Commissioning organisations such as County Councils also identified inefficiencies in their own systems which required their contractors to provide EIAs for each individual project or contract and offer the same information time and time again.

SUGGESTED WAYS TO REDUCE DUPLICATION

- **The EHRC could facilitate greater discussion among regulators on how to gather information without creating duplication of requests for information.** One suggestion was that regulating bodies could access relevant information from publicly available sources such as annual reports and quarterly SMT reports.
- **Public bodies could consider reducing the number of requests for new information from organisations that are contracted to undertake work on behalf of them.. This could be achieved by only asking for equality information once from organisations who are repeat contractors. Only**

request new information in addition to that already held or where it is needed to demonstrate improvements in compliance with the PSED and contract.

- **Sector-based monitoring by the EHRC:** some individuals in organisations who felt they had a good track record of equality and diversity were concerned that the EHRC's annual monitoring took in all listed bodies within a specific sector. In this sense monitoring was seen as looking for bad practice or under-compliance rather than as a way to identify and share good practice.

One view was that monitoring of compliance with the PSED should have been targeted towards poorly performing sectors or organisations rather than aiming at covering all organisations within a sector and/ or a sector as a whole. This approach, it was argued, would be more efficient and be more likely to ensure compliance and best practice rather than spreading resource too thinly. However it can also be argued that there is a benefit to sharing information about ways to comply with the PSED that the EHRC could promote better.

There was concern that insufficient sharing of information between organisations gathered through consultation, engagement and data gathering was leading to 'engagement fatigue' among the public, staff and other organisations.

Participants were concerned that colleagues and collaborating organisations were becoming tired of being asked for their views on new policies and practices over and over again. This was the case where staff either felt such engagement was unnecessary in the first place or because they had not seen any change since previous engagement. This was particularly the case in relation to communities that were less visible: for example, participants described an over-reliance on the same community leaders. The main concern that information and research was not being sufficiently shared, meant that data had to be collected 'from scratch' each time.

SUGGESTED WAYS TO REDUCE THE LIKELIHOOD OF ENGAGEMENT FATIGUE

- Public bodies could consider making better use of information that has already been gathered within their organisation.

- Public bodies, their representative associations, funders, regulators and the EHRC could facilitate better sharing of information about needs, concerns and data gathered in relation to EIAs, policy issues and protected groups.

There was evidence from their written submission the Welsh Local Government Association and the Higher Education Funding Council for Wales were already doing this for their sectors and may have a key role to play.

4.1.4 Procurement and control with contracting out

The ability to control contractors in their application of the PSED was a challenge for participants.

Public sector organisations that contract out a lot of their services, such as local authorities and health boards, described difficulties ensuring that sub-contractors met standards related to equality that are required as part of contract management procedures. Once procurement had taken place, participants were not always able to insist that contractors complied with these requirements. There were two scenarios where this problem was more apparent: when in all other respects a contractor is the preferred bidder in a competitive tendering process; or where facilities like GPs surgeries have a monopoly over local service provision.

Some aspects of the PSED such as EIAs were felt to be overly burdensome relative to the size or value of contracts. Participants also described feedback from contractors that the requirements seemed to be geared more towards legal safeguarding of public bodies rather than protecting the interests of disadvantaged groups. To address this perception, participants had highlighted the positive potential of the procurement process and presented it as a way of supporting other organisations to improve their performance on equality issues rather than penalising them for under performance.

SUGGESTED WAYS TO IMPROVE THE PROCUREMENT AND CONTRACTING PROCESS

- Contracting bodies could **be clear with potential, successful and unsuccessful contractors about the important role that equality plays in the tender evaluation process.** - Contracting bodies could **better explain the purpose and aims of the general duty in the contracting process to contractors and point out the positive benefits of doing so for their organisations.** This process might also include signposting to resources that would help the contractor be a better employer in terms of the equality and diversity of their staff.

Despite these challenges, there was a strong sense that the PSED is in principle a good thing. Participants felt that it provided visibility, focus and impetus for equalities work. They were keen to see the PSED given time to bed in and cautioned against too much change until its impact can be more fully understood over the longer-term.

Appendix A. Topic Guide

1. About them and their role where they work

Aim: to get a better understanding of the person's role and how this has influenced their experience, knowledge and views of the PSED. Note that discussion on the knowledge or nature of equality objectives will vary according to the person's role.

- **About them and their role**
 - Their organisation
 - Their role
 - Way involved with the PSED
- **Understanding of how the PSED affects their organisation**
 - General duty
 - Specific duties
 - Differences in understanding within the organisation
 - *If a body operating in the spirit of the duty, how the duties have been used*
- **Knowledge of organisational equality objectives/ strategic plan**
 - What equality objectives mean to them
 - If the PSED has affected their work
 - Any difference from previous equalities work within current organisation
 - Value added?
 - Any difficulties
- **Nature of objectives within their organisation**
 - How they arrived at them
 - Whether drew on How Fair is Wales report
 - Main emphasis/ any prioritisation, why?
 - Equal pay?
 - On-going/planned review?
 - Integration into planning/ decision-making?
 - Focus on specific 'protected characteristics', why?
 - Challenges

2. Evidence of progress and examples of good practice – service delivery

Aim: to gather evidence of progress in relation to reducing discrimination, promoting equality of opportunity and fostering good relations related to SERVICE DELIVERY. Examples of good practice that may facilitate progress and/ or that have lead to positive outcomes. Challenges and solutions in relation to different work being done by organisations will be explored throughout these sections.

Start with what difference the PSED has made in relation to each heading below and follow-up with what processes helped achieve that progress.

- **Main examples of progress in meeting the PSED**

- **Key areas of work** (*use this and sample information about participants from written submission to decide which areas of discussion to prioritise below*)

Spontaneous response first, then ask in relation to each of the sections below depending on the participant's role and involvement with the PSED

- **Training**

- What has been done OR whether received any (brief description)
 - Type (e.g. general awareness training, specific to PSED, other)
- Anything else done to promote understanding of the duties
- What difference has it made (ask for an example if possible)
- Challenges and how overcome

- **Engagement or planned engagement**

- What was done/ will be done (brief description)
 - Service users
 - Others
- Did engagement make a difference/ how expected to make a difference:
 - To objectives
 - To policy/ practice
 - To their day-to-day work

- **Impact assessments**

- Do they do them
- Decision-making related to what to assess
 - 'Substantial' impacts
 - Other impacts/ changes
- Publication?
- Has it made a difference (ask for an example)
- Any challenges relating to showing 'due regard'
- Other challenges

- **Monitoring against objectives**

- Data gathering processes (brief description)
- Existing or new processes
- Challenges gathering data/ gathering data on specific protected characteristics
- Use made of existing information
- How data contributes to greater equality

- **Procurement**

- How is the PSED used in relation to procurement
- Effect on commissioning services/ tendering process
- Other effects

- o Challenges
- **Annual equality reports**
 - o Ease/ difficulty of reporting
 - Full report
 - Other ways of publishing information
 - o What impact
 - Services users
 - Stakeholders
 - Staff
 - o Balance of reporting information and conducting equalities work
- **Views on outcomes from the PSED to date**
 - o Examples of improved service delivery
 - Quantitative
 - Qualitative
 - Other?
 - o Too early, why and when would expect outcomes?
 - o How distinct from other equalities influences?
 - o Processes put in place

3. Evidence of progress and examples of good practice – outcomes for staff

Aim: to gather evidence of progress in relation to reducing discrimination, promoting equality of opportunity and fostering good relations related to OUTCOMES FOR STAFF. Examples of good practice that may facilitate progress and/ or that have lead to positive outcomes. Challenges and solutions in relation to different work being done by organisations will be explored throughout these sections.

- **Any specific work relating to employees**
 - o What done (brief description)
 - Forums
 - Training/ development
 - o Specific priorities, why?
 - Domestic abuse
 - Mental health
 - o Difference made
 - o Specific challenges/ solutions
- **Pay differences**
 - o Which 'groups'
 - Gender
 - Other
 - o What action
 - o Difference/s made to date?
 - o Future expectations
 - o Challenges

- **Other employment information gathered**

- Nature of information
- How used
- Difference made?
- Challenges

4. Challenges and improvements

Aim: to address challenges discussed earlier in relation to the implementation of the PSED and potential solutions.

REMIND PARTICIPANTS THEY CAN TALK IN CONFIDENCE AT THE END OF THE INTERVIEW IF THEY PREFER.

- **Main challenges, barriers or factors preventing progress**

- What are they
- Suggestions to address them

- **Balance of benefits and challenges**

- Benefits
- Challenges

- **Improvements**

- Key knowledge/ experiences to share
- Ways to improve knowledge about the duties
- Guidance available and usefulness
 - EHRC essential guide
 - Other guidance
- Ways to improve communication
- Sector-specific communications

- **Any other key messages**

- About the PSED
- About what the EHRC can do to maximise benefits from the PSED

5. Other information in confidence (if preferred)

Aim: to address any issues that the participant may want to say about the PSED and its implementation in confidence.

- Areas of shortcoming in relation to the PSED/ compliance with the duties
 - Reasons
 - Ways in which procedures for fulfilling the duties can be improved
- Any other key messages
 - About the PSED
 - About what the EHRC can do to maximise benefits from the PSED
- **Anything else in confidence**
- **ASK ALL: Anything they would rather be treated in confidence or removed from the transcript**

STOP RECORDING

Appendix B. Written Submission Questions

Written submissions were based on responses to six key questions:

1. Please tell us how you have been involved in implementing the PSED within your organisation to date and what your organisation has done?
2. Thinking about your organisation's equality objectives, what evidence or examples would you point to as progress in meeting them?
3. In what ways has the PSED helped improve the service delivery of your organisation?
4. In what ways has the PSED helped you to improve equality outcomes for staff, or how do you anticipate it doing so in the next year, within your organisation?
5. What do you think are the main challenges or barriers that have impeded progress in relation to the PSED to date?
6. Is there anything else that you would like to say about the public sector equality duty or how it can be improved in the future?

Appendix C. Participating Organisations

Organisation	Written Submission Only	Both	Interview Only	Total
Aberystwyth University			2	2
Aneurin Bevan Health Board		1		1
National Assembly for Wales			2	2
Awdurdod Parc Cenedlaethol Eryri (Snowdonia National Park Authority)	1			1
Bangor University	1			1
Betsi Cadwaladr University Health Board	1			1
Blaenau Gwent County Borough Council	1			1
Breacon National Park			2	2
Bridgend County Borough Council			1	1
Cardiff and Vale College	1		1	2
Cardiff and Vale University Health Board			1	1
Cardiff University		1		1
City and County of Swansea Council		2		2
Coleg Sir Gar (Carmarthenshire College)	1			1
Conwy County Borough Council	1			1
Cwm Taf University Health Board	1			1
Cyngor Bwrdeistref Sirol Caerffili (Caerphilly County Borough Council)		1		1
Cyngor Gwynedd (Gwynedd Council)	1			1
Cyngor Sir Fynwy (Monmouthshire Council)			1	1
Cyngor Sir Ynys Môn (Isle of Anglesey County Council)	1			1

Denbighshire County Council	1			1
Disability Wales	1			1
Driver and Vehicle Licensing Agency			1	1
Flintshire County Council		1		1
General Teaching Council for Wales	1			1
Gower College Swansea	1			1
Higher Education Funding Council for Wales	1			1
North Wales Police			1	1
Older People's Commissioner for Wales	1			1
Pembrokeshire County Council	1			1
Powys County Council			2	2
RCT Homes	1	1		2
Rhondda Cynon Taf County Borough Council	1	1		2
Sport Wales	1			1
Swansea University		1	1	2
The Welsh Fire & Rescue Services	3			3
University of South Wales	1			1
Velindre NHS Trust		1		1
Wales Audit Office			1	1
Welsh Local Government Association		1		1
Wrexham County Borough Council	1			1
44 organisations				52 Individuals

Appendix D. Detailed case illustrations of progress by sector

Local Government

Table 4 Examples of activity and progress in local government
Awareness raising among staff about the needs of different groups
<p>Rhondda Cynon Taff County Borough Council developed an objective around 'Addressing Negative Behaviour' that arose from their consultation with the local community about their Strategic Equality Plan. The Council developed training to make employees more aware of how negative attitudes and behaviours could affect service users adversely.</p>
Reducing the impact of cost savings that adversely affected specific groups
<p>Velindre Trust reviewed the translation and format of patient leaflets. While at first they thought to offer leaflets in a selection of 'top ten' languages that didn't work because of the nature of their work and area. Instead they considered the best use of resources in relation to the needs of the community. They 'identified the need rather than a one size fits all mentality, and that also saves money'. For example, instead of offering brail for a very small minority, they looked into audio options that assist a wider group of people such as those with visual impairment, people with a learning disability and for those where English is not their first language. 'It's kind of about working with different communities, asking them what they'd like and then bringing that back to the table to consider'.</p>
Reducing hate crime by facilitating more ways to address it and ensuring it was addressed as quickly and seriously as possible
<p>Wrexham County Borough Council said they had specifically tried to 'eliminate unlawful discrimination, harassment and victimisation' related to racially motivated hate crime. They noted that there were 42 reports of hate crime during 2011-12, the majority of which were racially motivated. The Council provided training for Youth Workers, school Social Workers and Glyndwr University student support team. By increasing the number of hate crime reporting routes to 41 across the county it was hoped that racially motivated crimes could be identified and addressed more quickly. They noted that 'Street Scene', another initiative that was part of the same objective of reducing hate crime, had removed 13 instances of racially motivated graffiti on the same day they were reported (WS).</p>
Improved access to Council services and buildings, especially for disabled people

City and Borough Council of Swansea had developed an objective to ‘improve access to Social Services provision, ensuring that the service user’s needs are at the centre of all planning and commissioning activities’ (WS). As part of this they had encouraged the take-up of Direct Payments which had resulted in a 7% net increase in people taking up the payment. There has been an increase in those from a BME community being supported in this way.

Bridgend County Borough Council had improved its services for people with hearing impairments and D/deaf people by producing information videos in British Sign Language that could be used at the Council’s front desks (Interview).

Addressing under representation of specific groups in the electoral and other representative processes

Cyngor Sir Yns Môn (Anglesey County Council) developed an objective to reduce inequalities relating to ‘Representation and the Voice of the People’. As part of the Council’s democratic rejuvenation programme, various methods were used to raise the profile of Anglesey’s local election in 2013, including: A series of adverts and press releases that appeared in the local press and published on the Council’s website, as well as Facebook; A ‘Twitter’ campaign targeting groups of girls and young people asking them to spread the word; An Electoral Services Team that was available to provide information to potential candidates - at Anglesey Show and in a road show in five different places across the island; An article promoting democratic rejuvenation in “Dan Do Môn” - a newsletter for the voluntary sector. Through this work it was hoped that under-represented groups would become more involved in electoral processes (W.S).

Health and well-being initiatives such as setting up new domestic abuse support services or advertising existing services better

City and Borough Council of Swansea wanted to reduce domestic abuse by providing a high level of information about domestic abuse and support services available. They noted that ‘work is underway to open a ‘One Stop Shop’ information and advice service in Swansea City Centre that would ‘provide on the spot support and resources to women, men and children who have experience of abuse’ (WS).

Health

Initiatives among participating organisations in the health sector were concentrated around five main areas. These are shown in Table 5.

Table 5 Examples of activity and progress in the health sector
Assessing patient experiences and complaints for instances of unlawful discrimination and other improvements
<p>Velindre NHS Trust had made particular efforts with regard to ‘Improving Patient Experience’. In particular, they had developed monthly Patient Experience reports that were reported quarterly to the Board alongside the Equality objectives updates. ‘Within the trust the Patient and Carers dignity group, responds to concerns raised by staff, patients, carers and visitors regarding dignity, and as a multidisciplinary team, works together to identify solutions or write business plans if needed. This team was awarded the Nursing Times Award for Enhancing Patient Dignity in 2013’ (WS).</p>
Improving the availability of data and information on health needs and experiences by protected characteristics
<p>Cwm Taf University Health Board had set a long-term goal of improving health outcomes for all by identifying, collating and making ‘universally available the national evidence of the unique health care needs and other considerations in relation to the protected characteristic(s) for each newly assessed service user, who may have a recognised mental health condition’. They were in the process of putting this facility in place (W.S).</p>
Promoting better access and accessibility of health information and services
<p>The Equality and Diversity Manager at Velindre Trust noted that they had got better at providing information about services in a way that benefited their service users by consulting them and considering provision more fully. They stated, ‘for example brail, everyone was thinking, <i>‘Oh you’ve got to have brail, for blind people you’ve got to have brail’.</i> Well the percentage of people who use brail within the, sensory impaired community, is much smaller because , you know, when you look at, how, how many people are born blind and therefore learn from a very young age to those who become blind... if we look at audio then not only does that assist those who are blind, but also those who have learning disabilities, those whose English isn’t their first language because it’s much, much easier. You know it helps a whole remit of people, so it’s changing people’s understanding of their assumptions of what is needed and being able to work with different communities, ask them what they’d like and then bring that back to the table’ (Interview).</p>

Promoting greater dignity and respect for patients and service users

Betsi Cadwaladr Health Board had developed a 'human rights-based approach in clinical areas including the development of a Human Rights Toolkit for use on all wards called "Putting Human Rights at the Heart of Nutrition and Hydration"; this is designed to help clinical staff better meet the needs of older people on hospital wards ensuring they are treated with dignity and respect' (W.S).

Education

Colleges and Universities had made progress in a number of areas. The examples are shown in Table 6.

Table 6 Examples of activity and progress in colleges and universities

Addressing equality data shortfalls on students and staff so that discrimination and equality of opportunity can be assessed

Universities took a variety of steps to address patterns of access to education or lower progression for some student groups. Activities included putting in place **surveys** to find out why this might be the case and setting up projects such as **confidence building and mentoring** to encourage more women, people from BME groups, disabled people and LGBT people into education.

For example **Swansea University** was gathering information to 'establish if ethnicity was significant to achieving a good degree'. The University Race and Religion Equality Working Group have been compiling data and analysing it for its significance (WS).

Assessing patterns of access and progression to see how they can be improved for 'protected groups'

The **Coleg Sir Gar** had used equality information to identify that issues related to disability presented the biggest challenge in relation to access to buildings and progression in their courses. The college took steps to meet the needs of staff and disabled students such as providing '*more adaptations... to ensure the estate is fit for purpose*' and '*more staff training... to ensure staff are aware of and understand the needs of disabled people*' (WS).

Gower College Swansea had been gathering data and feedback by protected characteristics, which they said had 'helped the College to identify issues affecting different groups and compare satisfaction 'It has also enabled the College to '*identify under-represented groups and implement positive action strategies such as targeted taster sessions to recruit more women into Engineering and advertising posts through our links with BME community groups and organisations*'. Finally, it '*led to a greater focus on engagement of different protected groups, in particular engagement of disabled students and carers and disability organisations to help the College to improve accessibility of facilities, services, transition and support services*' (WS).

Addressing gender stereotyped subject choices, gender segregated career paths and the consequences for seniority and pay

Swansea University was supporting women to take up a wider range of research subjects and more senior posts in a number of ways. The University's written submission reported that it was *'committed to sponsoring a number of places on the Leadership and Foundation "Aurora" programme¹⁰. Following a concerted drive and promotional activity the University [it also] has a record number of women applying to participate in WUMS the Women in Universities Mentoring Scheme¹¹ (over 30 applications for mentees). We have secured £6,000 worth of funding to work collaboratively with Chwarae Teg¹² to raise the profile of flexible working in the workplace. Training sessions are currently being delivered throughout the University, with particular progress in relation to sex and gender. A female Pro Vice Chancellor is now established as the University Equality Champion'* (WS).

Gower College Swansea reported that their *'hair, sport, plumbing, electronics and beauty students also took part in session swaps to challenge gender stereotyping'* (WS).

Benchmarking with other HEIs and achieving equalities accreditations

Swansea University had been working to improve the experience of students and research staff in science, technology, engineering and medicine (STEM) subjects by applying for an *Athena Swan¹³* bronze award. The College of Human and Health Sciences had now achieved this award and their Colleges of Medicine and of Science had both submitted applications for their own bronze awards (WS).

In addition to the Athena Swan programme, **Cardiff University** was also taking part in *Stonewall's Workplace Equality Index¹⁴*, which it felt had assisted the University to *'mainstream equality into our practices resulting in improvements for staff and students'*. *It did this by helping them 'to review our policies, procedures and practices to ensure LGB equality is embedded in them'* (W.S).

¹⁰ The Leadership Foundation's Aurora programme encourages a broad range of female academics to see themselves as leaders: <http://www.lfhe.ac.uk/en/programmes-events/you/aurora/>

¹¹ The WUMS scheme, which is based in South Wales: <http://wums.southwales.ac.uk/howwumsworks/>

¹² Chwarae Teg is a charity aimed at help women develop can enter the workplace and build promising careers: <http://chwaraeteg.com/about-us/>

Appendix E. Detailed case illustrations for other listed bodies and non-listed bodies

Other Listed Bodies

Other listed bodies included Fire and Rescue Services, National Park Authorities, funding and teaching councils, auditors, and coordinating bodies such as the Older People's Commissioner for Wales and Sport Wales. Some of these bodies were not as far forward in developing activities or project work compared to local government, health and education sectors. They were, nonetheless, **making good progress**, as summarised in the table below.

Table 7 Examples of activity and progress in other listed bodies
Progress in putting in place equalities infrastructures and processes with a view to anticipated equalities outcomes in the future
<p>The Fire and Rescue Service, Wales Audit Office, General Teaching Council for Wales, and Sport Wales all reported making strides.</p> <p>For example, Sport Wales have established internal equality groups which will provide valuable insight for future EIA's and consultations on proposed changes which relate to protected groups. They have also secured commitment at Board level and introduced action plans and score cards to drive implementation of their objectives.</p> <p>The Older People's Commissioner for Wales has recently updated its Equality and Human Rights impact assessment tool so it encourages more dialogue rather than box ticking.</p>
Making progress in addressing specific issues related to their main area of work

¹³ Athena Swan awards: <http://www.athenaswan.org.uk/>

¹⁴ Stonewall's Workplace Equality Index is part of their Diversity Challenge Programme and rates organisations according to their sensitivity to issues of sexual orientation: http://www.stonewall.org.uk/at_work/diversity_champions_programme/default.asp

The **Fire and Rescue Service** adjusted their Home Fire Safety Check phone message so self-referrals can state any needs they may have, such as hearing or visual impairments. They also installed hearing loops within key meeting and conference rooms to better support visitors and staff that may benefit from this service.

The **Higher Education Funding Council for Wales** (HEFCW) had made progress in relation examining how their sector was responding to issues such as provision for people of different faiths and people with mental health conditions and had issued guidance on advice to pregnant students (W.S).

Making progress in improving equal opportunities monitoring data and conducting pay audits.

The Fire and Rescue Service conducted a data collection exercise against all protected characteristics, for all current employees, and applicants to the Service in order to provide meaningful and current statistical information. To further support better data collection and monitoring of equal opportunities data, the Fire and Rescue Service also implemented a new HR software system specification which includes self-populating fields so staff can input/update their information based on protected characteristics (W.S).

Non-listed Bodies

Some non-listed bodies were conducting as much work and had made as much progress as many of the listed bodies. They were able to point to significant examples of activity that had or were likely to comply with the PSED.

Table 8 Examples of activity and progress in non-listed bodies	
Collaborative approaches to addressing issues against equality and diversity	
<p>North Wales Police had focused, for example, on addressing hate crime and harassment of disabled people on public transport through partnerships with a local bus company. As their Head of Equality said: ‘we launched a campaign just before Christmas was around disability and the abuse people were receiving on public transport. We in partnership with Arriva buses and local community groups ran an operation on the buses to put posters up about the reporting of disability hate crime. This had a clear message to victims to report the incidents to the police and warn potential perpetrators that the police take these issues very seriously and will arrest’ (Interview).</p> <p>Although, it had been difficult for the police force to assess the impact on disability hate crime reporting in terms of whether it would increase or decrease, the participant noted that he had received feedback from disabled people that they felt more comfortable travelling on public transport because the posters reassured them that the public knew that harassment of them would be treated seriously.</p>	
Improving accessibility of services	
<p>The Driver and Vehicle Licensing Authority (DVLA) had undertaken work in relation to service improvement. A key example of activity and progress in relation to the PSED was consideration of the way in which locating an increasing amount of its services online would affect people with visual impairments.</p>	

The DVLA hosted a large conference to review the possible impact of changes to their digital infrastructure amongst protected groups. It was attended by DVLA staff and diversity champions, delegates from other public sector organisations, equality groups and community members. Delegates participated in workshops and speaker sessions which included the Civil Service Diversity Champion, Sir Paul Jenkins. Specifically the DVLA looked at how assistive software interacted with some of its systems, including computer screens and the possible impact on accessibility, including that for people with sight impairments. One group involved disabled people discussing accessibility of IT and this consultation helped staff take away actions to think about in how they manage changes in software and access to services so that they meet all of their customer needs (W.S)

Developing SEP to identify areas of improvement and to support an action plan

RCT Homes had undertaken a large amount of work in response to the PSED. They had identified areas that required attention and had begun to put in place work to improve the delivery of services to its tenants. They outlined the way in which they had established their Strategic Equality Plan (SEP) and, notably, how they also planned to assess the changes in policy and practice they introduce.

RCT Homes stated that their *'SEP was developed by undertaking an analysis of census data for Rhondda Cynon Taff and our profiling data was undertaken to allow us to get an idea of the main issues affecting our communities. Focus groups were externally facilitated with staff and tenants during the development of this strategy in order to determine an understanding of what equality and diversity meant to different groups and to identify the main issues affecting them. The SEP has an associated action plan which details the objectives, how we will achieve them and measure them. This is also reviewed on an at least annual basis (W.S).*

Developments arising from this work had included tailoring services to meet the needs of people with visual impairments, tackling hate crime and anti-social behaviour, supporting tenants experiencing domestic violence and giving all tenants a greater voice in decisions made by the association. One further area of progress identified by the Director of the association was Royal National Institute of the Blind (RNIB) accreditation. She gave an example of the way in which this had reduced the social isolation of an elderly, visually impaired tenant: *'...we have been doing an RNIB accreditation, again, in housing for older people both in terms of sheltered housing and needs homes... When we know about people who are*

blind or visually impaired, when they tell us, we can do the work. So, we used our profile data to look at people who'd self assessed as having visual impairment and it turned out there were over 500 people... We did a sample piece of work, in partnership with RNIB, making proactive contact with people to explore what sort of services they may like to receive or benefit from that they don't receive now. And ... we employ a Vision Support Officer... [One] older lady who hadn't been to church for ten years - she [the Officer] contacted the priest, who contacted a parishioner who arranged to pick her up and take her to church... So, just, re-enabling her and reducing her social isolation in the community' (Interview).

Reviewing balance of workforce and establishing equality infrastructures

Other non-listed bodies such the **National Assembly for Wales** had done additional work in relation to their workforce (e.g. looking at recruitment and progression of BME staff).

The **Welsh Local Government Association** had also been supporting local authorities and other services, such as Fire and Rescue, to put in place their equality infrastructures, helping them improve the equality monitoring data and researching how public bodies were using EIAs in the most appropriate ways.

Consequently, while there was some variation in the extent of progress across different sectors, it was clear that **all participating bodies were responding in some way to the UK general duty and Welsh specific duties. There was no evidence of organisations doing little or nothing or being totally confused about what they were required to do.**

Appendix F. Detailed case illustrations for progress in relation to protected characteristics

Projects and outcomes were discussed in relation to protected characteristics as in the table below.

Table 9 Examples of projects and improved outcomes by protected characteristics	
Age	<p>Cyngor Sir Fynwy (Monmouthshire County Council) has improved its EIA process, now requiring all proposals to council to come with a completed EIA that is considered early on in the decision making process. This new approach resulted in various outcomes for the community. For example, a proposal to turn off street lights at night was found to be potentially distressing for elderly people. The proposal is following an appeals process to ensure it does not discriminate against old age. The Council's Equality Officer noted that: <i>'In the past it would have been 'tough luck' and the street lights would have been switched off. But as it has such a negative impact on elderly people, officers now tend to give it more consideration'</i> (Interview).</p>
Sex	<p>Aneurin Bevan Health Board established an operational group around domestic abuse. The group introduced initiatives to improve outcomes for people possibly experiencing domestic abuse, regardless of gender. These include ensuring midwives are trained in routine enquiry about whether someone is experiencing domestic abuse, and extending routine enquiry to all people, regardless of gender.</p>
Race	<p>Awdurdod Parc Cenedlaethol Eryri (Snowdonia National Park Authority) has been running the Mosaic Project with other National Parks. This involved developing an action plan to improve access and attract more people from black and minority ethnic groups to use the national park. Mosaic Officers were appointed in January 2012. Since then 20 Community Champions have been recruited and annual events have been held at Snowdonia and Brecon Beacons National Parks. The Community Champions have been responsible for organising a number of day and overnight visits to the park for BME people.</p>

Disability

Caerphilly County Borough Council consulted with several disability groups who highlighted transportation as being a major issue both for wheelchair users and visually impaired people. In response, the council took several measures to better support these community members, such as establishing a taxi forum to improve the “taxi cab experience” for disabled people and initiating dialogue with bus companies to raise awareness with drivers about assisting wheelchair users.

Sexual orientation

In response to the PSED **Swansea University** implemented a number of initiatives to meet the general duty and the specific duties. In particular, they have progressed around the protected characteristic of sexual orientation by, for example, building trust with the local LGBT community (e.g. having a Swansea University presence at Pride Events, supporting a staff LGBT forum, etc. To assist in developing the Strategic Equality Plan and to improve engagement and awareness with the staff and student community on lesbian, gay and bisexual issues, the University applied to the Stonewall Workplace Equality Index. To date they have submitted three applications and have successfully risen over 100 places in the index ranking.

Work across a range of protected characteristics

Pembrokeshire County Council was trying to reduce discrimination and hate crime encountered by people in relation to a number of protected characteristics: race, disability, religion or belief, sexual orientation and gender reassignment. To do this they were developing A Multi Agency Risk Assessment Conference approach, to reinforce consistency in the way the concerns of people experiencing hate crime were assessed. In addition it will enable partner organisations to share information. The Council had also maintained engagement with community groups for whom hate crime is a particular concern. E-learning material was also launched in September 2013 to raise awareness amongst the workforce about hate crime within the community.

Who we are

The Equality and Human Rights Commission aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights.

Contact us

Please contact the Commission in Wales for further information about the Public Sector Equality Duty in Wales, or visit our website:
www.equalityhumanrights.com/wales

Email: wales@equalityhumanrights.com

Telephone: 029 2044 7710

