



Equality and
Human Rights
Commission

Wales Impact Report 2018-19

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About us

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

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

Our work is driven by a simple belief: if everyone gets a fair chance in life, we all thrive.

Our unique legal powers allow us to tangibly change lives, and we are using these powers more robustly and more intelligently than ever before.

We work across Great Britain, identifying opportunities to advance equality and human rights in the specific context of Wales, Scotland and England. Our statutory Wales Committee help us to identify strategic priorities in Wales and take advantage of the unique policy context to promote equality and human rights for all.

This report provides a snapshot of some of the impact we have had over the past year, demonstrating the breadth of our powers and the difference our work makes.

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Foreword

I'm delighted to present the EHRC Wales impact report for the period up to April 2019. In many ways it has been a momentous year. Under the leadership of the Wales Commissioner, June Milligan, the dedicated and knowledgeable EHRC Wales team have delivered an extensive programme of work to put equality and human rights at the heart of life in Wales.

Most notably, the development and publication of our triennial review of progress towards greater equality, 'Is Wales Fairer? 2018', led to the Welsh Government and public bodies across Wales committing to tackle the entrenched inequalities and human rights challenges identified by the evidence.

The Welsh Specific Equality Duties were monitored across 73 listed public bodies for the first time since their introduction

in 2011. As a result, we called for greater attention on outcomes, beyond compliance, and the Welsh Government has confirmed that the duties will be reviewed and renewed. The team used the monitoring evidence to produce sector reports and to engage with individual organisations, offering their advice on setting ambitious equality objectives and actions to meet them. This work continues.

Over the year, the Wales Committee travelled across Wales and met a wide range of people from diverse backgrounds to learn about equality and human rights challenges across the country. These events helped to inform the Committee's advice to the Welsh Government and our Board, the strategic plan and our wider work, so that we ensure a focus on the issues that are affecting people and communities across Wales.

This impact report describes the breadth and depth of our operations in Wales. None of this impact would be possible without the hard work and commitment of my Wales Committee colleagues and the Wales staff team.

Finally, on behalf of the Equality and Human Rights Commission, I would like to extend my appreciation to June Milligan, who completed her tenure as Wales Commissioner in May of this year. We are immensely grateful to her for providing inclusive and insightful leadership.

Dr Alison Parken OBE
(Interim Chair, Wales Committee)



About this report

This report reflects on the achievements made by the Wales team of the Equality and Human Rights Commission in 2018-19. This was the final year of our 2016-19 strategic plan. Highlights are:

1. We published 'Is Wales Fairer? 2018', a comprehensive review of how Wales is performing on equality and human rights. The review sets out priority areas for action to address entrenched inequalities. The Welsh Government and public bodies have committed to taking forward recommendations within this report.
2. We monitored the work of public bodies in Wales to meet the statutory requirements of the Public Sector Equality Duty (PSED) and secured the Welsh Government's commitment to review the breadth and depth of the Welsh Specific Equality Duties.
3. We went to Geneva to report to the UN on the Welsh Government's progress on women's rights. We secured commitment from the Welsh Government to consider further incorporation of UN human rights treaties into Welsh domestic legislation.
4. We highlighted the need for diversity in apprenticeships.
5. We reported on the impact of the UK Government's tax and welfare reforms on people in Wales, and advised Welsh Government officials on how to use our new Cumulative Impact Assessment tool.
6. We increased the quality of discrimination advice to support people in Wales to access justice.

7. We launched our 'Housing and disabled people: Wales' hidden crisis' report, along with a toolkit for local authorities and a guide for disabled people.
8. We funded a legal case in Wales, enforcing the Equality Act, to ensure people can access appropriate housing.
9. We influenced the debate on diversity in local government, calling for an Access to Elected Office fund for disabled people in Wales.
10. We produced resources to support access to healthcare for people seeking asylum in Wales.

11. We launched an inquiry into racial harassment in higher education, including universities in Wales.
12. We funded a legal case to support a child's right to education in Wales.
13. We ran six Equality and Human Rights Exchange public events, an all-Wales conference and roundtables, to engage new audiences in equality and human rights issues; share learning, particularly around violence against women; and improve human rights practice.

These highlights are discussed in detail in this report.

Realising equality and human rights for everyone in Wales

Is Wales Fairer? 2018

We published our report, 'Is Wales Fairer? 2018', and held an event in the Senedd to inform a National Assembly for Wales Plenary debate on our findings and recommendations. Stakeholders attended from across the public and private sectors and civil society. Subsequently, the Welsh Government announced their intention to enact the socio-economic duty (section 1, Equality Act 2010).

The Welsh Government has made more commitments in line with our recommendations, to consider the further incorporation of all UN human rights treaties into Welsh legislation and to review the Public Sector Equality Duty specific duties (PSED) in Wales.

We delivered three Equality and Human Rights Exchange events and a conference in North Wales, to promote the main findings of the report. Public bodies have committed to use the evidence in the report to inform their new strategic equality objectives.

Public Sector Equality Duty

We monitored 73 listed public bodies in Wales, on work undertaken to meet certain requirements of the Public Sector Equality Duty (PSED), and to assess whether the PSED is being used to drive improvement in workforce diversity and service delivery. This provided a platform for cross-sector engagement with Ministers, umbrella bodies and public service leaders, towards improving the impact of the PSED in addressing the greatest inequalities in Wales. The monitoring exercise has provided an opportunity for in-depth engagement with senior leaders. We have arranged around 40 individual meetings with chief executives or directors of public bodies.

We submitted a high level findings report, based on our PSED monitoring and 'Is Wales Fairer? 2018', to inform the Welsh Government. The Welsh Government Equality Minister's published report reflects our evidence.



Holding the Welsh Government to account on their obligations under the international human rights framework

We produced a shadow report to the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), evidencing the issues facing women in Wales.

In February 2019, we gave evidence to the state examination in Geneva, to report to the UN on the Welsh Government's progress on women's rights. Before and after the examination, we met with the First Minister for Wales to discuss the main issues highlighted in the report and to secure commitments from him to implement the recommendations.

We supported the Women's Equality Network (WEN) Wales to produce their own shadow report, ensuring women's voices from Wales were represented at the international level.

82% of the UN Committee's final recommendations to Government aligned with recommendations that we made.

Further incorporation of UN human rights treaties

At our human rights learning event at the end of March, we discussed further incorporation of UN human rights treaties in Wales and launched our research report, 'The impact of legal integration of the UN Convention on the Rights of the Child (CRC) in Wales.'

This research has been circulated widely to stakeholders across the UK, including the Children and Young People's Committee of the National Assembly for Wales, to support their proposal to further examine the impact of the 'Rights of Children and Young Persons (Wales) Measure 2011'.

Addressing the lack of diversity in apprenticeships in Wales

We met with Welsh Ministers and officials and secured an influential role in developing a strategic approach to address the lack of diversity in apprenticeships.

We provided input and advice to the Welsh Government's Inclusive Apprenticeships Task and Finish Group, which resulted in an action plan to increase the participation of disabled people in apprenticeships in Wales.

We jointly shaped and delivered an event with the Welsh Government, for employers, which included the launch of 'Inclusive Apprenticeships: Disability Action Plan for Apprenticeships' and other resources, such as 'Are you looking to recruit skilled and talented disabled people for your business? The answer is apprenticeships'.

We informed the terms of reference of the steering group set up to hold Welsh Government to account for delivery of the action plan.

Improving living standards in Wales

Cumulative Impact Assessment (CIA)

During 2018, we launched two reports highlighting the cumulative impact of tax and welfare reforms and public spending across England, Wales and Scotland. We held a workshop, in partnership with the Welsh Government, to discuss the Cumulative Impact Assessment (CIA) reports and to develop participants' understanding of the technical approach of the new model. The Welsh Government committed to consider how to take the CIA model forward.

Landman Economics produced a technical briefing on 'The potential for Cumulative Impact Assessment in the Welsh Government's budget-setting process', which has identified how Welsh Government could take forward the CIA model.

Housing inquiry

We launched our 'Housing and Disabled people: Wales' hidden crisis' report, along with a toolkit for local authorities and a guide for disabled people. We engaged with a wide range of stakeholders to promote the findings. The report informed our contributions to the 'Independent Affordable Housing Review' and new 'National Standards on Housing Adaptations'. The inquiry report and findings were cited as evidence for why the Welsh Government were developing national standards on housing adaptations.

Since publication, the Welsh Government has committed to take forward a number of the report's recommendations, including to:

- review the current housing quality standards for affordable homes and take due account of the Lifetime Homes standard, to ensure the new standard reflects disabled peoples' needs

- work to streamline and simplify the process relating to housing adaptations
- develop an Accessible Housing Register standard, to provide a definition of the registers and a set of principles against which registers can be assessed, and
- work with local authorities to enhance the Local Housing Market Assessment process to better capture the needs of disabled people, to increase the development of accessible housing.



Increasing access to justice for people in Wales

Identifying and tackling discrimination in the workplace

The 'Identifying and Tackling Discrimination in the Workplace' course, and refresher course, were delivered in North and South Wales. Over 30 advisers from across Wales completed the course. Evaluations demonstrated that advisers had improved capacity to provide discrimination advice, and increased awareness of our Adviser Support Service.

Legal case study

We funded a case related to making adaptations in private rented property. Stacey Smailes has Ehlers-Danlos syndrome, a condition that limits her mobility. She needed to make changes to her home but a term in the lease banned alterations. Her landlord, Clewer Court Residents, refused to make an exception and Stacey and her husband had to move out.

We funded and supported Stacey's discrimination case against her landlord to make sure the law is clear and supports other disabled people like Stacey to live independently. In January 2019, Cardiff County Court ruled that the landlord should have let Stacey make alterations, which were reasonable in light of her disability. The judgment means that landlords must allow disabled leaseholders to make changes that are reasonable and necessary.

Increasing diverse participation in politics in Wales

We completed research into barriers to civil and political participation for under-represented groups, focusing on experiences of disabled people, trans people, women and ethnic minorities. This informed the evidence that we gave to the National Assembly for Wales' Equality, Local Government and Communities Committee's inquiry into diversity in local government.

The Committee report included our recommendation that the Welsh Government should establish an Access to Elected Office fund in Wales to assist disabled individuals to run for elected office. The possibility of extending such a fund to support other under-represented groups should also be explored.

Improving access to healthcare for people seeking asylum and refugees in Wales

We produced research that highlighted the barriers people seeking asylum face when trying to access healthcare entitlements. This included a healthcare access guide and case studies from healthcare and third sector providers demonstrating how they have facilitated access to healthcare for people in the asylum system.

The Welsh Government has committed to incorporating the healthcare access guide into their new sanctuary website.

Public Health Wales have used our resources to support development of a training module to raise awareness among NHS staff of the issues facing people in the asylum system.

Increasing access to education

Inquiry into racial harassment in higher education

We launched and promoted the GB-wide inquiry into racial harassment in higher education within Wales. Our engagement with universities, race equality organisations and education professionals resulted in the largest response to an Equality and Human Rights Commission call for evidence, and a proportionate response from Wales.

Legal case study

We supported a legal challenge in North Wales that resulted in the Special Educational Needs Tribunal for Wales ruling that a North Wales school unlawfully discriminated on the grounds of disability.

The Tribunal found that the school had failed to make reasonable adjustments as it did not ensure that a qualified backup teaching assistant was in place in the event of a primary assistant being unavailable. The Tribunal found that the pupil's right to education was not taken into full consideration. This case demonstrates the right to education and the duty on public bodies to make reasonable adjustments.

Strategic plan 2019-22

We published our strategic plan for 2019-22, which explains how we will protect and promote equality and human rights in Britain over the next three years. It sets out three strategic goals to ensure everyone gets a fair chance.

Our goals are to:

Ensure that people's life chances aren't held back by barriers in their way



Make sure we have strong foundations on which to build a more equal and rights-respecting society



Protect the rights of people in the most vulnerable situations





Our Core Aim

To realise our strategic goals, our Core Aim is to ensure that strong equality and human rights laws protect people, and data shows what is happening to people in practice.

We will seek to strengthen the law, guarding against any reduction in existing rights, and close gaps in data. We will increase our litigation and enforcement work to:

- send a clear message about the need to comply with equality and human rights law by challenging flagrant breaches
- tackle the systemic barriers people face through legal challenges to widespread failures to comply with equality and human rights law, and
- defend the rights of people in the most vulnerable positions experiencing serious breaches of their fundamental rights.

To achieve this, we will work to support governments and public service providers to ensure that:



Priority Aim 1: People in Britain have equal access to the labour market and are treated fairly at work.



Priority Aim 2: Public transport supports the economic and social inclusion of disabled people and older people.



Priority Aim 3: People can access redress when they are wronged and have a fair trial in the criminal justice system.



Priority Aim 5: Rules and practice governing entry into, exit from and treatment in institutions respect equality and human rights standards.



Priority Aim 4: The education system promotes good relations with others and respect for equality and human rights.



The Wales Committee

Our Wales Committee is a statutory decision-making body with duties to advise devolved government and to develop a work programme. It also has powers to undertake research, provide education or training and to give guidance and advice. Furthermore, it advises the Equality and Human Rights Commission on the impact of its work in Wales.

Current Wales Committee members are:

Dr Alison Parken OBE – Interim Chair of the Wales Committee

Alison is Interim Chair of the Wales Committee, an Honorary Senior Research Fellow at the Business School, Cardiff University, and an independent research consultant. Alison's research focuses on the causes of socio-economic inequalities, intersectional mainstreaming of equality within public policy, and addressing employment and pay inequalities.

Faith Walker

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

Geraint Hopkins

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

Mark Sykes

Mark retired in 2017, after a 35-year career in Human Resources and Organisational Development in the public and private sectors. He was formerly the Assistant

Director for Organisational Development at Betsi Cadwaldr University Health Board. Mark volunteers with the homelessness charity Crisis.

Martyn Jones

Martyn is the Equality, Diversity and Inclusion Manager for South Wales Police. Martyn has an extensive leadership background, across both the public and third sectors, and has been Chief Executive at Learning Disability Wales and Diverse Cymru. Martyn represents the Wales Committee on the Commission's Disability Advisory Group.

Nicola Williams

Nicola is General Counsel and Company Secretary for Dŵr Cymru Welsh Water, a post she has held since 2012. Nicola is a trustee of a Citizens Advice Bureau and a member of South Wales Police's Ethics Committee.

Rocio Cifuentes

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

Sophie Howe

Sophie is the Future Generations Commissioner for Wales. Her role is to act as a guardian for the Wellbeing of Future Generations Act, supporting and holding to account 44 public bodies in Wales.

During 2018-19 the Wales Committee was chaired by Dr June Milligan. June's term of office ended in May 2019. We welcomed one new member during 2018-19, Mark Sykes. During the year, one member, Andrew Edwards, stepped down. We would like to thank June for her leadership of the Wales Committee over the last three years, and Andrew, for his valuable contribution to its work.

Contacts

This publication and related equality and human rights resources are available from **our website**.

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

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

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EASS

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

Telephone 0808 800 0082

Textphone 0808 800 0084

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