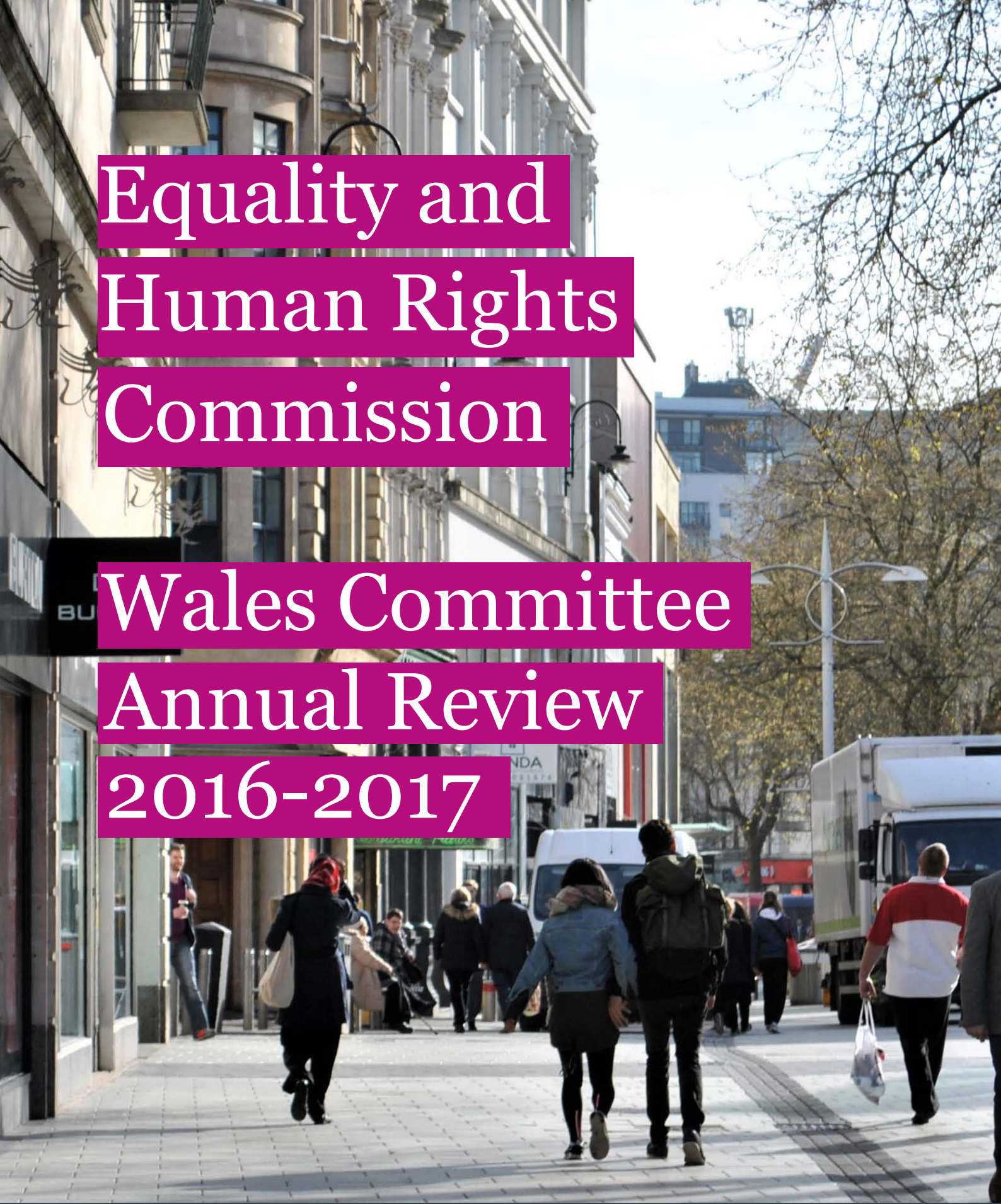


A photograph of a busy city street with pedestrians walking on a paved sidewalk. In the background, there are buildings, trees, and a white van. The scene is captured from a low angle, looking down the street.

Equality and Human Rights Commission

Wales Committee Annual Review 2016-2017



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Equality and
Human Rights
Commission

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Contact

For further information please contact the Wales Team at wales@equalityhumanrights.com or visit our website: www.equalityhumanrights.com

Sources

All statistics in this report are taken from Commission reports unless otherwise stated.

Alternative formats

For information on accessing a Commission publication in an alternative format, please contact: wales@equalityhumanrights.com

Foreword

The Equality and Human Rights Commission is here to make Wales a fairer place. We work to highlight the discrimination and inequalities that affect people every day - and having done that, we work with others to make a positive difference in workplaces and communities across Wales.

The past year has brought both new challenges and new opportunities for our work. The June 2016 referendum introduced ‘Brexit’ to our vocabulary and it has dominated public debate ever since. At the EHRC we responded by publishing ‘Healing the Divisions’ and setting out:

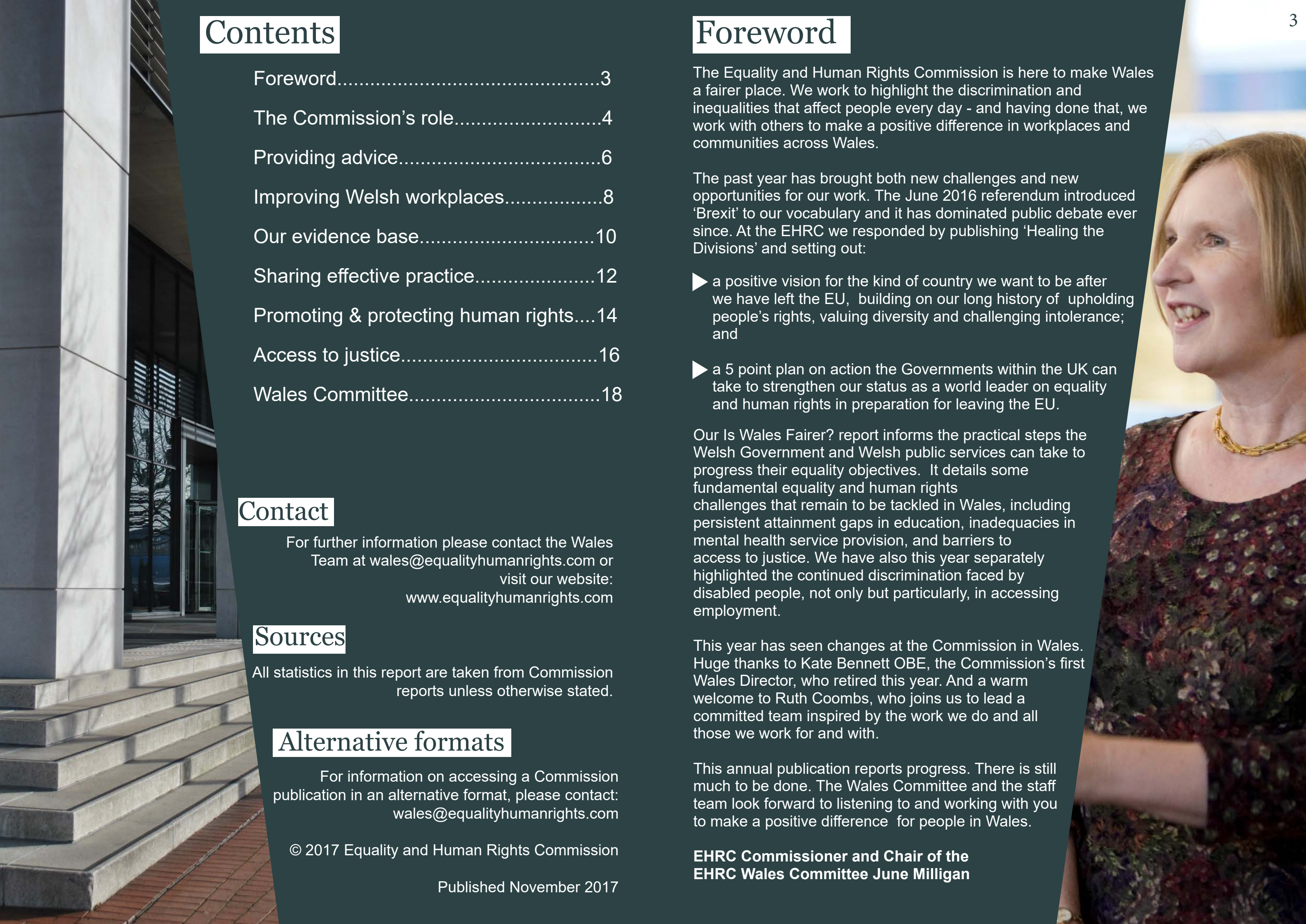
- ▶ a positive vision for the kind of country we want to be after we have left the EU, building on our long history of upholding people’s rights, valuing diversity and challenging intolerance; and
- ▶ a 5 point plan on action the Governments within the UK can take to strengthen our status as a world leader on equality and human rights in preparation for leaving the EU.

Our Is Wales Fairer? report informs the practical steps the Welsh Government and Welsh public services can take to progress their equality objectives. It details some fundamental equality and human rights challenges that remain to be tackled in Wales, including persistent attainment gaps in education, inadequacies in mental health service provision, and barriers to access to justice. We have also this year separately highlighted the continued discrimination faced by disabled people, not only but particularly, in accessing employment.

This year has seen changes at the Commission in Wales. Huge thanks to Kate Bennett OBE, the Commission’s first Wales Director, who retired this year. And a warm welcome to Ruth Coombs, who joins us to lead a committed team inspired by the work we do and all those we work for and with.

This annual publication reports progress. There is still much to be done. The Wales Committee and the staff team look forward to listening to and working with you to make a positive difference for people in Wales.

EHRC Commissioner and Chair of the EHRC Wales Committee June Milligan



The Commission's role

The Equality and Human Rights Commission was established by Parliament under the Equality Act 2006 to help safeguard and enforce the laws that protect equality and human rights. The Commission aims to be an expert and authoritative organisation that is a centre of excellence for evidence, analysis and legal expertise.

Our statutory powers give us a range of tools to drive equality and human rights improvement. We use these selectively and proportionately to achieve our objectives. We work with other organisations and individuals to advance fairness, dignity and respect, but we are ready to take action against those who abuse the rights of others. We act as:

- ▶ **A catalyst for change**, enabling and encouraging improvement by bringing people together to devise solutions and by building capacity in other organisations to help them to effect change. Where appropriate, we use our statutory inquiry powers to explore systemic issues, gather evidence and develop possible solutions.
- ▶ **An evaluator**, monitoring the effectiveness of the laws protecting people's rights to equality and human rights and measuring progress in society.
- ▶ **An information provider**, helping people understand their rights and responsibilities and improve compliance with the law.
- ▶ **An enforcer**, using our strategic enforcement powers selectively to protect people against serious and systemic abuses of their rights and to clarify equality and human rights law, alongside our efforts to help organisations to comply with equality and human rights standards.
- ▶ **An influencer**, using our legal expertise, research, insight and analysis, to influence public policy and inform debates.

Introduction

During 2016/17, we have aimed to build the effectiveness of our organisation, using our range of powers in a way that improves the lives of people in Wales. Our work includes a Wales Committee work programme and taking forward the Commission's Britain-wide work in Wales.

This report sets out our key achievements in Wales over the last year. These highlights are presented under the priorities identified in the Wales work programme for 2016/17. These were to:

- ▶ Provide advice to Welsh Government and the National Assembly, and to inform the Future Generations agenda in Wales
- ▶ Improve workplaces by working with employers and by encouraging effective equality and human rights workplace practice
- ▶ Inform decision and policy-making across the public sector in Wales by providing a strong evidence base
- ▶ Improve public service delivery and facilitate the sharing of effective equality and human rights practice in the Welsh public sector
- ▶ Promote and protect human rights in Wales, in our role as a National Human Rights Institution
- ▶ Increase access to equality and human rights legal advice and redress in Wales



Attendees at our annual conference

Our aim

To provide advice to Welsh Government and the National Assembly, and to inform the Future Generations agenda in Wales

Healing the divisions

Healing the divisions:

A positive vision for equality and human rights in Britain

Equality and Human Rights Commission

Our five point plan sets out how the UK and Welsh Governments can strengthen the UK's status as a world leader on equality and human rights after we leave the European Union. Our priorities are:

1. Protecting parliamentary sovereignty over the UK's equality and human rights legal framework.
2. Keeping the UK's equality and human rights legal framework as we leave the European Union.
3. Making sure the UK is a global leader on equality and human rights.
4. Protecting the UK's equality and human rights infrastructure.
5. Promoting the UK as an open and fair place to live and do business.

Working towards this aim we

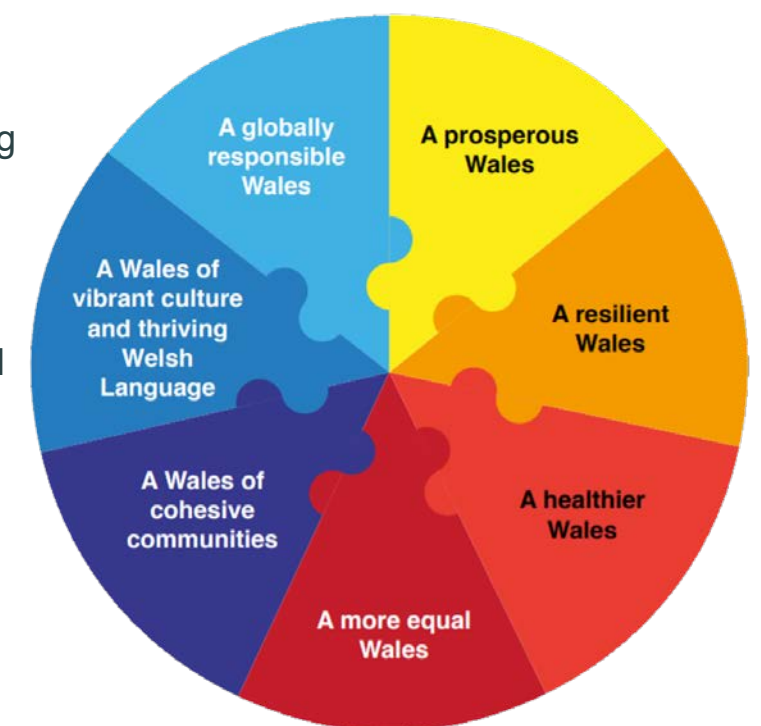
- ▶ Provided advice to the Welsh Government's Advisory Group on Brexit and National Assembly Committees on what steps can be taken to promote and protect equality and human rights in Wales after we leave the European Union.
- ▶ Advised the Welsh Government how equality and human rights should be considered during budget-setting, focusing on the importance of Equality Impact Assessments and considering the cumulative impact of decisions.
- ▶ Informed National Assembly Committees Inquiries, including into human rights in Wales and issues affecting Refugees and Asylum Seekers.
- ▶ Informed the development of the Wales Act 2017, which has provided new legislative opportunities for the Welsh Government to take forward the equality and human rights agenda in Wales.
- ▶ Worked with the Future Generations Commissioner to embed the well-being goals of 'a more equal Wales' and 'a Wales of cohesive communities' into public service delivery.

Well-being of Future Generations Act (2015)

We are working to ensure that equality and human rights are embedded in work taken forward under the Well-being of Future Generations Act. The Act's well-being goals that public bodies must work towards include:

A More Equal Wales: a society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic circumstances).

A Wales of cohesive communities: a society that has attractive, viable, safe and well-connected communities.



Our aim

To improve workplaces by working with employers and by encouraging effective equality and human rights workplace practice

Inequality in Wales

- ▶ 87% of Welsh employers say they are firm supporters of female staff during and after pregnancy, but 71% of mothers say they have had a negative or possibly discriminatory experience at work.
- ▶ The gender pay gap across Britain stands at 18.1%, the ethnic minority pay gap at 5.7% and the disability pay gap at 13.6%.
- ▶ 27% of Muslims in Wales have a degree compared to 25% of all people in Wales, but only 67% of Muslims aged 25 to 49 in Wales have a job compared to 85% of all 25 to 49 year olds in Wales.
- ▶ Only 6 of Wales's top 100 businesses have a female chief executive.
- ▶ Black workers with degrees earn 23.1% less on average than white workers.

Working towards this aim we

- ▶ Welcomed the commitment made by over 20 organisations in Wales – including the Welsh Government and private sector businesses – to attract, develop and retain women at work, by signing up to our coalition of Working Forward employers.
- ▶ Published our 'Fairness not Favours' report, which explores why faith-friendly workplaces matter and what can be done to create them.
- ▶ Published 'Fair opportunities for all: a strategy to reduce pay gaps', which sets out what needs to change and who needs to take action to reduce ethnicity, gender and disability pay gaps.
- ▶ Worked closely with partner organisations including Chwarae Teg, the Public Health Network Wales and the Women's Equality Network Wales to promote our Power to the Bump campaign about how to have a happy and healthy pregnancy in the workplace.
- ▶ Held our 'A workforce for the future – challenges and opportunities' conference, which was attended by over 100 equality practitioners, who identified actions to improve diversity in the workplace by reviewing recruitment procedures.
- ▶ Expanded our engagement with key private sector employers, enabling the sharing of good practice with bodies including Business Wales, FSB Wales, CIPD Wales and Acas.

Welsh Government Permanent Secretary Shan Morgan signing our Working Forward pledge, with EHRC Commissioner June Milligan



Our aim

To inform decision and policy-making across the public sector in Wales by providing a strong evidence base

Inequality in Wales

- ▶ In 2014/15, only 1.3% of all apprenticeships in Wales were started by disabled learners.
- ▶ A YouGov poll found that 23% of LGBT people in Wales have experienced a hate crime or incident in the last 12 months.
- ▶ Gypsies, Travellers and Roma experience poorer mental health than the rest of the population in Britain.

Working towards this aim we

- ▶ Informed the Welsh Government's Equality Objectives for 2016-2020, which reflect the seven key challenges identified in our Is Wales Fairer? report.
- ▶ Published 'Healing a Divided Britain', the biggest ever review into race inequality in Wales and across Britain.
- ▶ Published Who Runs Wales? 2017, which highlights the lack of diversity in senior positions in Wales, and taken forward its recommendations with key partners.
- ▶ Published 'Being disabled in Britain: a journey less equal', which is being used by Welsh Government to make improvements to policies, by local government to ensure services meet the needs of disabled people, and by disability groups to strengthen the case for change.
- ▶ Launched an expert consultation on a new single measurement framework to be used for our 'state of the nation' reviews, to measure progress on equality and human rights in Wales and across Britain.

Is Wales Fairer?

Our Is Wales Fairer? report identifies seven key equality and human rights challenges, which Welsh Government and other public bodies have used to set their current equality objectives. The key challenges are:



1. Close attainment gaps in education.
2. Encourage fair recruitment, development and reward in employment.
3. Improve living conditions in cohesive communities.
4. Increase access to justice and encourage democratic participation.
5. Improve access to mental health services and support to people experiencing poor mental health.
6. Prevent abuse, neglect and ill- treatment in care and detention.
7. Eliminate violence, abuse and harassment in the community

Our aim

To improve public service delivery and facilitate the sharing of effective equality and human rights practice in the Welsh public sector

“I think we really have to work hard together to hold the line. We have to work hard to protect the Human Rights Act and our membership of the European Convention and we have to work to make sure that all those hard won rights and equalities protections are kept part of our laws.”

Martha Spurrier, Director of Liberty speaking at our Annual Conference in Wales

Working towards this aim we

- ▶ Attracted over 120 delegates to our Annual Conference: ‘A right to be human – human rights and public service delivery’. Speakers heard from the Director of Liberty, Martha Spurrier, and about good human rights practice at HMP Berwyn and Abertawe Bro Morgannwg University Health Board. Over half the delegates committed to practical actions to embed human rights in their work.
- ▶ Took forward our Equality and Human Rights Exchange regional events and virtual network of over 150 equality practitioners, which has enabled the sharing of good practice.
- ▶ Worked with third sector organisations to help them use the Public Sector Equality Duty to hold public organisations to account and to ensure community groups have a say when decisions are being taken.
- ▶ Worked with HMP Berwyn regarding equality and human rights considerations in the new facility in Wrexham, including taking forward the recommendations from our Inquiry into Preventing deaths in detention of adults with mental health conditions.
- ▶ Worked with the Children’s Commissioner for Wales to produce the ‘Sam’s Story - it will get better’ resources that include advice to schools on how the Public Sector Equality Duty can be used to tackle identity-based bullying.

Carl Sargeant at the launch of our ‘Faith Friendly workplaces’ resources

Am gymdeithas
a adeiladwyd ar
degwch a pharch

For a society
built on fairness
and respect



Promote and protect human rights in Wales, in our role as a National Human Rights Institution

Our Human Rights roundtable discussion identified three priorities that human rights experts think should be taken forward in Wales:

- ▶ UN human rights treaties should be more fully incorporated into Welsh law.
- ▶ Steps should be taken through education to increase people's understanding of human rights and how they are relevant to people's everyday lives.
- ▶ A human rights strategy should be developed to be taken forward by a range of organisations to share good human rights practice and increase the profile of human rights in Wales.

Working towards this aim we

- ▶ Held our Annual Human Rights lecture on the theme of 'Fake News, Human Rights and Access to Justice', given by human rights barrister Adam Wagner.
- ▶ Informed the UK's examination under the Universal Periodic Review by highlighting the biggest human rights challenges across all areas of life in Wales.
- ▶ Informed the UK's examination under the UN Convention on the Rights of Disabled People by publishing a report on the biggest challenges facing disabled people in Wales.
- ▶ Launched a major new inquiry investigating the provision of accessible and adaptable housing for disabled people in Wales and the effect it has on rights to live independently.
- ▶ Promoted our update report on the UN Convention on the Elimination of Racial Discrimination, which highlighted inequalities experienced by different ethnic groups in Wales.
- ▶ Contributed to the Welsh Government's Human Rights Stakeholder Group, which shares good human rights practice and monitors how human rights are being taken forward in Wales.

Our support enabled Disability Wales to ensure the voices of disabled people in Wales were heard during the UK's examination under the UN Convention on the Rights of Disabled People.



Our aim

To increase access to equality and human rights legal advice and redress in Wales

“Public transport is essential for disabled people to live independently, yet bus companies have not made it easy for this to happen. This is a victory for disabled people’s rights. The success of this case means bus companies will have to end ‘first come, first served’ policies, increasing peace of mind for disabled people.”

EHRC Chair David Isaac after the Commission supported the Doug Paulley v FirstGroupPlc case at the Supreme Court

Working towards this aim we

- ▶ Delivered our ‘Identifying and Tackling Discrimination in the Workplace’ courses in North and South Wales, giving over 40 advisers the skills to identify and take forward equality and human rights cases.
- ▶ Worked with Citizens Advice Cymru to improve the EHRC Discrimination course and explore future funding of specialist discrimination advisers.
- ▶ Developed an Advice to Advisors helpline pilot project, which we are taking forward to improve the level of legal advice in Wales.
- ▶ Held an event with Civitas Law, attended by over 25 Welsh lawyers, to identify actions to improve access to justice in Wales, and taken these forward with partners.
- ▶ Worked in partnership with the College of Policing to develop new training and guidance for police officers across England and Wales on the use of stop and search powers.
- ▶ Promoted our legal briefing that indicates the responsibilities of Councillors and County Councils when discussing Gypsy Travellers and site provision.
- ▶ Intervened in the case of R (Carmichael and Rourke) v Secretary of State for Work and Pensions and other appeals: The Supreme Court recognised that households in which there are disabled children who need care throughout the night should be exempt from the under-occupancy penalty (the reduction in housing benefit that people are subject to if they have one or more ‘spare’ bedrooms) if they need a room for an overnight carer.

Inequality in Wales

- ▶ Prisoners in Wales, as in the rest of Britain, remain subject to a blanket ban on voting in elections, which the European Court of Human Rights has found to be in violation of their convention rights.
- ▶ Is Wales Fairer? found that 32% of children live in poverty in Wales, with rates even higher for children aged 0-4 (42%), this compares to 23% of the total population.

The Commission’s Wales Committee is a statutory decision making body with duties and powers to advise devolved government, to develop a work programme, and to ensure the Commission’s work is appropriate to Wales. It sets the strategic direction of the Commission’s work in Wales. Its members are:



June Milligan - Commissioner & Chair of the Wales Committee
June is currently a Commissioner with the Civil Service Commission and a lay member of the governing body of the University of Glasgow, following a wide range of leadership roles in public service, including being a Board member of the Welsh Government.



Alison Parken OBE
Alison is Senior Research Fellow in the Wales Centre for Public Policy at Cardiff University, and has worked to support the promotion of equality through evidence-based policy and practice.



Andrew Edwards
Andrew is a teaching fellow at the University of Wales Trinity Saint David and Chair of Victim Support Wales, following a career within the police service.



Dilys Jouvenat
Dilys has long experience of working in Welsh public service and was formerly the Equality & Diversity Manager for Rhondda Cynon Taf Council. Dilys is Chair of Rhondda Cynon Taf Citizens Advice Bureau.



Faye Walker
Faye has over 20 years’ experience working alongside communities. She is a qualified Youth and Community practitioner.



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.



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



Rev Aled Edwards OBE
Aled is Chief Executive of CYTŪN (Churches Together in Wales) and Chair of Displaced People in Action.



Marie Brousseau-Navarro
Marie is the Director of Policy, Legislation and Innovation at the Future Generations Commission and is the Honorary Consul for France in Wales.



Mona Bayoumi
Mona is a barrister specialising in human rights, asylum and immigration based at the Civitas Law Chambers.



Saleem Kidwai OBE
Saleem is the Secretary General for the Muslim Council for Wales, an Honorary Fellow of Cardiff University and a qualified accountant.

The Board

Our Board of Commissioners is responsible for the strategic direction and oversight of the Commission across Great Britain and includes June Milligan.

The Wales Team

There are 12 posts in the Wales Directorate working on strategic planning, research, policy, communications, stakeholder engagement and business support. The team works on a variety of topics, as set out in our annual Wales Committee work programme. The team also works alongside colleagues in England and Scotland on Britain-wide projects.