

Equality of Opportunity Committee

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Written evidence to the Equality of Opportunity Committee

Purpose

This paper sets out the Equality and Human Rights Commission's view on the key challenges and opportunities presented to both the Assembly Government and the Equality of Opportunity Committee following the publication of the Equality Bill. We provide tailored recommendations for the committee's work and for its role in scrutinising the Assembly Government.

Background

The Equality Bill was published in April and has received its Second Reading in the House of Commons. The Commission warmly welcomes the Bill, in particular:

Streamlining the 116 disparate equality statutes

Tackling of age discrimination against older people in the provision of services

Extension of public sector duties to cover age, sexual orientation, and religion and belief

Inclusion of associative discrimination

The extension of all-women shortlists and measures to encourage other groups to put themselves forward for public office

Measures to ensure the gender pay gap is addressed.

In relation to age, the Commission disagrees with the retention of the compulsory retirement age of 65 and is concerned about the very limited coverage of those under 18 years of age.

The Commission considers that it is of critical importance to involve inspectorates in ensuring improved outcomes in relation to equality and human rights. In our role as a modern regulator, we are currently engaged in further developing our relationship with the Wales audit and inspection bodies.

Specific duties to promote equality

The Bill enshrines both general and specific duties on the public sector to promote equality. The Commission welcomes the decision to devolve responsibility for the specific duties to the Assembly Government. This duty will be of pivotal importance in assisting public services to plan in a meaningful, sensitive and outcome focused way.

We look forward to the Welsh Assembly Government's initial consultation with the EHRC on the specific duties and to supporting the Government in its wider public consultation. The EHRC welcomes the fact that the power to create specific duties on the Assembly Government is open ended and will include ongoing consultation. This means that further duties can be added in the future and evolve over time to reflect the most effective levers. These in turn can move towards addressing some of the most entrenched inequalities such as violence against women and discrimination and prejudice against those with mental health conditions.

At this stage the Commission would encourage the Committee to explore with the Assembly Government Minister the headline content of the specific duties drawn up in Wales. The Commission would hope that the specific duties will embrace the following:

Involvement: Building on the Disability Equality Duty, a duty to involve all groups in planning and delivery on equalities.

Equal Pay: A robust duty on public authorities to audit, monitor, report and take action on the gender pay gap.

Procurement: A duty to embed equality within public sector procurement will capitalise on the positive work of Value Wales and act as a driver for change in the private sector.

A streamlined, outcome focussed approach to achieving equality: The EHRC is concerned that the specific duties should be meaningful in ensuring a focus on outcomes rather than process and this may include:

The publication of equality priorities

The streamlined use and analysis of data and the consideration of the potentially differential impact of decisions, policies, etc. on protected groups.

Addressing socio-economic inequality in Wales

The Commission notes the intention of the Bill to address socio-economic inequality through imposing a duty on strategic public services to address these matters.

We recognise that significant work has been undertaken by both the Assembly Government and by committees to address socio-economic inequality, for example:

The Raising Attainment & Individual Standards in Education programme to tackle differential school attainment rates in deprived areas

The Communities First programme and its successor

The investigation by the Rural Affairs Sub Committee into rural deprivation.

The proposed Measure on tackling Child Poverty, together with the establishment of the Expert Group.

However, as demonstrated by Joseph Rowntree Foundation on monitoring poverty and deprivation in Wales 2005 (updated in 2007), levels of socio-economic inequality remain stubbornly high in Wales.

The Commission considers that having a Committee inquiry on this issue could be extremely timely to establish the gaps, identify the most persistent forms of inequality, and identify levers to take matters forward.

Next steps

To summarise, the Commission would encourage the committee to consider the following actions:

Establish ongoing arrangements to scrutinise the Assembly Government on the content and timing of the devolved specific duties in Wales

Encourage the lead Minister to make further representations to Whitehall on the inconsistent approach of the legislation in tackling unfair discrimination faced by children and young people

Consider establishing an inquiry on socio-economic inequality in Wales.