Welsh Ministers Report on Equality 2014
Ministerial Foreword

Equality is about creating a fairer society, where diversity is valued and respected, where people do not face discrimination and prejudice and a society where everyone can participate, flourish and have the opportunity to fulfil their potential.

Modern day Wales is a society built on diverse and multi-cultural communities. However, there are many deeply entrenched and persistent inequalities in Wales for protected groups. These are often long-standing and inter-generational, for instance, in employment prospects and earnings.

The Welsh Government is committed to ensuring the citizens of Wales live in a society which is safe, inclusive and where there are equal opportunities for all to contribute to the social and economic life of Wales. Our long-term vision for Wales is to be the best place to live, learn, work and do business.

The Equality Act 2010 created a Public Sector Equality Duty and also gave Welsh Ministers the power to impose specific equality duties on devolved Welsh public authorities through regulations. These duties have laid a further foundation for taking equality forward in Wales.

I am pleased to present our first Welsh Ministers’ report on equality in devolved Welsh public authorities. This provides an overview of the progress we have made across the devolved Welsh public sector, in complying with the public sector equality duty since its introduction in 2011. Drawing on this evidence, we have identified a number of areas where we believe working together, we can make a marked improvement in equality through the public sector equality duty.

In light of the Commission on Devolution in Wales, the Commission on Public Service Governance and Delivery and the Well-being of Future Generations (Wales) Bill, this is also a time of great opportunity. As we consider how public services can be designed and delivered in the future, how we build capacity within our communities and improve outcomes for the people of Wales, our commitment to equality is vital.

Failure to tackle discrimination and provide equal opportunities has a negative impact, not only on individuals, but on society and our economy.

However, equality cannot be advanced in isolation by Government alone. We can achieve our aim of creating a more equal society in Wales only by working together in partnership, particularly across the public and Third Sectors.

In this context, the public sector equality duty is an important tool for public authorities. It ensures public bodies consider equality for all individuals in their day to day work, in drafting policy, in delivering services, and in relation to their own employees. The duty actively encourages and supports good decision making.
The evidence collated for this report clearly demonstrates the duty is a catalyst for change which supports public authorities’ work, with the duty being used to achieve better outcomes and it should be retained.

I would like to thank the public authorities and Third Sector organisations across Wales who have helped us in compiling this report and who are working towards this shared goal of a fairer and more equal Wales. We must continue to work in partnership to achieve a fair and just society, to develop policies and practices that embrace equality for all.

I am particularly grateful for the extensive capacity building undertaken by the Equality and Human Rights Commission in Wales. Also for their monitoring and research into the public sector equality duty and Welsh specific duties. These have proved to be a valuable source of evidence.

This report provides a clear demonstration of where we are now. It highlights just some of the work we are doing to ensure equality for people across Wales. It also provides an insight into where we are moving in the future, ensuring that our distinct Welsh approach to equality will continue.

Lesley Griffiths AM
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Chapter 1 – Introduction

Equality Act 2010

1.1 The Equality Act marked a significant change in equality legislation in the United Kingdom. The Act replaced and extended previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some areas. It sets out the different ways in which it’s unlawful to treat someone with a protected characteristic.

1.2 The Act set out a new public sector equality duty (PSED), also known as the general duty, 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), referred to as ‘protected characteristics’.

1.3 The PSED, which came into force on 5 April 2011 across the UK, requires listed public bodies to consider equality for all individuals when carrying out their everyday work – in shaping policy and in delivering services.

1.4 The duty drives sound decision-making. It encourages public bodies to understand how different groups of people with particular protected characteristics will be affected by their activities, so that the design and delivery of policies and services takes account of the needs of those groups. By understanding the effect of their activities on different groups of people, and how inclusive public services can support and widen people’s opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

Equality Act 2010

Section 149 – Public Sector Equality Duty

(1) A public authority must, in exercise of its functions, have due regard to the need to:

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

Purpose of the Report

1.5 Under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, Welsh Ministers have a specific duty to publish a report giving an overview of the progress made by devolved public authorities in Wales in meeting the PSED. Ministers are required to publish a report no later than 31 December 2014 and every two years thereafter, alternating between a full report and an interim report.
1.6 This is the first report under this statutory reporting requirement and covers the period April 2011 to December 2014.

### Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011

Regulation 17(1) The Welsh Ministers must, in accordance with paragraph (2), publish reports that set out an overview of the progress made by authorities towards compliance by those authorities with the general duty.

Regulation 17(5) Reports under this regulation must also set out the Welsh Ministers’ proposals for the coordination of action by authorities so as to bring about further progress towards compliance by those authorities with the general duty.

### Specific Duties

1.7 The specific duties in Wales are set out in the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and came into effect on 6 April 2011. The purpose of the specific duties in Wales is to help organisations in their performance of the PSED. They have also been designed to promote transparency about how organisations meet that duty.

1.8 They cover: organisational equality objectives, strategic equality plans, engagement, assessing impact, equality information, employment information, pay differences, staff training, procurement and reporting by devolved public authorities, including the Welsh Ministers.

### The Welsh Government’s Commitment to Equality and Fairness

1.9 Equality and fairness are at the core of the Welsh Government’s founding legislation. Section 77(1) of the Government of Wales Act 2006 requires Welsh Ministers to make arrangements with a view to securing that their functions are exercised with due regard to the principle that there should be equality of opportunity for all people.

1.10 This statutory duty is strengthened by the Programme for Government which is firmly committed to creating a ‘fair society free from discrimination, harassment and victimisation with cohesive and inclusive communities’. It represents a real commitment to delivery, measured by the impact government is actually having on people’s lives.

### Reporting On Our Actions

1.11 The Welsh Government currently publishes an annual report on the progress being made towards outcomes set out in the Programme for Government ([www.wales.gov.uk/about/programmeforgov/?lang=en](http://www.wales.gov.uk/about/programmeforgov/?lang=en)) and the actions being taken by the Welsh Government. The most recent report covering the actions taken in 2013-14 was published in June 2014.

1.13 The annual reporting process provides an opportunity for the Welsh Government to be transparent in how it continues to progress equality across all government portfolios.

**Developing the Welsh Ministers’ Report**

1.14 This report is not designed to be a comprehensive description of all activity, but is an overview which highlights some of the key work undertaken across the public sector to progress the PSED.

1.15 To gauge a comprehensive and rounded picture of progress, engagement and contributions to the report have not been limited to the listed public bodies. They also included Third Sector equality stakeholders.

1.16 The Equality and Human Rights Commission (EHRC) produced two reports in 2014 focusing specifically on the implementation of the PSED by public sector bodies. The reports1 provided valuable insight and evidence on the progress achieved to date and excerpts have been reproduced in this report.

**Structure of the Report**

1.17 The report first looks at the progress made across public sector bodies in relation to the public sector equality duty and then reports on the main trends and barriers experienced across the public sector. Specific examples of progress across public sector bodies are outlined in the next chapter. The final chapter identifies where Welsh Government could coordinate further progress.

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Chapter 2 – Progress and Challenges

Introduction

2.1 This chapter looks at the progress emerging across the public sector. It highlights some of the key findings from the public sector contributions and EHRC research and monitoring activity.

2.2 The chapter will also detail some of the challenges experienced by public sector bodies and observed by Third Sector organisations in implementing the PSED.

2.3 The chapter has drawn significantly on the monitoring and review work of the EHRC. As a regulator, the EHRC has monitored progress on the general and specific duties annually since 2012 and published its findings. The assessments have concentrated on monitoring the impact of the duties across four key sectors – local government, health, fire and rescue and universities and focused on a key aspect of the Welsh Specific Equality Duties for each sector.

Background

EHRC Report

2.4 To provide a fuller and richer picture of progress, in October 2013 the EHRC commissioned NatCen Social Research (NatCen), an independent and non-politically aligned research organisation, to conduct a review (www.equalityhumanrights.com/about-us/devolved-authorities/commission-wales/public-sector-equality-duty-wales-2014/psed-research) which was published in April 2014. 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 review further complemented and enhanced the EHRC’s monitoring activity.

2.5 The review presents the findings of an analysis of the implementation of the PSED across public sector bodies across Wales.

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.

2.6 The review provides evidence and assistance to the EHRC, the Welsh Government, public sector organisations, equality specialists and other bodies to track and understand better progress of the PSED in Wales.

2.7 The recent EHRC monitoring and NatCen review and reports from public sector bodies themselves show that the public sector has positively embraced the PSED since its introduction. This has been demonstrated by both measurable improvements in equality practice and a growing number of examples of improved outcomes.
2.8 The value of the PSED was described, by participating organisations in the NatCen report, in the following ways:

- It raised the profile of the equality agenda.
- It provided a clear structure and focus for equality work.
- It promoted 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 PSED.
- All participating organisations could provide at least one example of evidence demonstrating progress related to the PSED. More typically organisations could give more than one example.
- Greatest progress had been made in putting in place the foundations to build equality works. There was also some evidence of progress directly related to outcomes for service users and staff.
- The review 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.

2.9 More specific improvements included:

- The PSED and the Welsh specific equality duties have helped to bring separate initiatives together in a single action plan leading to an increase in momentum.
- Progress has been made in putting systems in place for comprehensive and consolidated data gathering on protected characteristics of service users.
- There has been an increase in engagement with people from protected groups leading to a greater understanding of service needs.
- The PSED and specific equality duties have changed the focus of delivery to encourage the allocation of resources to where they are needed most.

2.10 Furthermore, participants in the NatCen review thought there was ‘greater clarity within the Welsh specific equality duties than under the English specific duties. This meant that organisations were less likely to under or over comply in relation to the statutory requirements.’

Third Sector Stakeholders Evidence

2.11 Welsh Government held a workshop to discuss the PSED and Welsh specific equality duties with Third Sector organisations. This was to gather their views and some Third Sector organisations still feel that progress has been slow. However, they have recognised that inequality is deeply entrenched over many generations and that embedding equality and changing culture is a long-term endeavour. This is particularly the case with large, complex organisations and it is recognised there are areas of strength and areas for improvement. Despite the slow progress in some areas, Third Sector stakeholders recognise
and value the Welsh public sector equality duties which have led to positive commitments, significant policy developments and a steady improvement in service delivery across the public sector. Third Sector stakeholders acknowledge the duties are still in their first phase of implementation and will take time to fully ‘bed in’.

**Progress**

2.12 Whilst there is still a long way to go, significant progress has been charted since the introduction of the PSED and Welsh specific equality duties.

**Engagement**

2.13 Across the public sector, engagement with protected groups has improved and increased since the introduction of the PSED, as highlighted by the monitoring undertaken by EHRC across the health sector in 2013 and across Fire and Rescue Services in 2014. Increased engagement was often facilitated by health organisations working in partnership. Their engagement methods varied from large scale events to individual events and the use of social media to ensure a more inclusive approach.

2.14 The value of inclusive engagement has been acknowledged and widely recognised across the public sector as illustrated by the National Museum Wales which has several projects involving under-represented groups in developing their collections to tell the story of all the citizens of Wales. Listening to and involving diverse communities in decision-making is an ongoing area of development. The Third Sector cited Welsh Government’s Framework for Action on Independent Living as an exemplar for the extent of direct engagement with disabled people.

**Impact Assessments**

2.15 There has been significant work to embed effective equality impact assessments (EIAs) across public sector organisations. Public sector bodies have reviewed and developed their processes to make them more user-friendly, more evidence based and more proportionate.

2.16 It has been noted that the duty to engage is strengthening EIAs. It helps organisations to understand and respond to the views and needs of protected groups. This in turn has enabled service improvement and the avoidance of unnecessary costs.

2.17 In 2013, the EHRC monitored the use of EIAs in Local Authorities. The evidence revealed that many Councils had demonstrated clear progress in ensuring that equality impact assessment is a requirement that underpins decision-making. Most Council Committees and Cabinets received supporting documentation on the EIA of proposals under discussion.

2.18 Within Welsh Government, the use of EIAs is central to assessing the impact of its decisions and policies on the people of Wales, as demonstrated by its commitment to assess the impact of its spending decisions. On 30 September, the Welsh Government published the fifth impact assessment of its budget, alongside the Draft Budget 2015-16. The Strategic Integrated Impact Assessment considers the impact of spending decisions on equality,
socio-economic disadvantage, children’s rights and Welsh language, which contribute to the wider understanding of the sustainability of decisions making. This integrated approach is in line with the principles set out in the Well-being of Future Generations Bill.

2.19 Public sector bodies report that EIAs have helped to increase the profile of equality and human rights in service planning as well as making a difference to service delivery. This is particularly the case in understanding and mitigating the effects of cuts in public services.

2.20 However, EIAs are not consistent in quality across all public authorities and more guidance and training is needed for staff. Public sector organisations acknowledge that the development of EIAs is likely to continue to be a focus of equality work over coming years.

**Training**

2.21 Ensuring staff understand and are committed to promoting the values of the PSED has been considered key to building an enduring equality-sensitive culture. For that reason, public authorities have made significant efforts to raise levels of understanding and develop the knowledge and expertise of their staff.

2.22 The PSED has provided the impetus to organisations to provide additional and new training opportunities for staff to learn about equality and diversity issues. These have ranged from basic equality courses in induction sessions to e-learning, targeted equality courses and scenario based workshops.

2.23 Public sector bodies reported a strong focus on delivering staff training and developing the knowledge and expertise of their staff, which also served to support service improvement.

2.24 For example, The Wales Audit Office has taken effective steps to raise the awareness of the Equality Act and PSED amongst its staff. Activities have included establishing an Equality Interest Group to act as a forum for staff consultation and to support the design and development of policies and practices, designing a communication strategy, e-learning training package and appointing equality and diversity champions to ensure that equality issues are raised and discussed at the highest level within the organisation.

2.25 The Older Peoples Commissioner has provided focused equality training to other public sector bodies, sharing their expertise and good practice.

**Partnership Working**

2.26 Collaboration and a partnership approach have featured strongly across the public sector, particularly in Health and Local Government. Public sector organisations across North Wales are leading the way providing positive examples of regional working and collaboration between agencies to fulfil the PSED.

2.27 Local Authorities report excellent examples of joint work between authorities and the schools within them aimed at tackling negative attitudes and reducing identity-based bullying. This includes celebrating different faiths and cultures and working with Show Racism the Red Card.
2.28 Across the public sector effective working relationships have also been established with Third Sector organisations representing protected groups which have further supported the implementation and progression of the PSED. The Arts Council of Wales is working with Diverse Cymru to develop a bespoke training and development programme for their staff. The Arts Council also developed an equalities toolkit for the arts sector in partnership with Diverse Cymru.

Access to Services

2.29 Across the public sector, the PSED is driving improvements in access, both in terms of the physical environment and public buildings and access to services.

2.30 Access to social housing is being improved through the use of accessible housing registers held by Local Authorities and common housing waiting lists which bring together all the social landlords in an area.

2.31 The EHRC monitoring of health organisations in 2014 focused on progress with making health services more accessible. The report concluded that health organisations were undertaking a range of initiatives to improve access for all service users and specifically for people with protected characteristics. Following a review of the needs of people with sensory loss accessing healthcare, the All Wales Standards for Communication and Information for People with Sensory Loss were launched in December 2013. The Standards were co-produced by public and Third Sector organisations.

2.32 The Higher Education Funding Council Wales are working with the EHRC to monitor actions that have been taken by the sector to widen access to Higher Education and increase student diversity.

2.33 It is recognised there is more work to be done to ensure equality is considered from the outset as part of any physical development or service redesign.

Tackling Hate Crime

2.34 In the EHRC recent monitoring of Local Authorities in 2014 looking at hate crime, nineteen authorities had set hate crime objectives although all authorities were working on tackling this issue.

2.35 The EHRC monitoring identified that in tackling hate crime, Local Authorities were implementing and progressing a number of the Welsh specific duties. These included:

- An increase in gathering, analysing and sharing of local data.
- Undertaking mapping exercises to gain a more accurate picture of incidences.
- Engaging with children and young people to raise awareness to prevent violent behaviour.
- Tailoring initiatives to the needs of different protected groups.
2.36 The PSED had led to a more collaborative approach towards public service improvement with the establishment of strong partnership working, particularly with the police.

2.37 The work of Local Authorities was closely aligned to and supported the Welsh Government’s ‘Tackling Hate Crimes and Incidents: A Framework for Action’ which has also been a major driver for the work.

2.38 Estyn published their thematic review ‘Action on bullying’ looking at the effectiveness of action taken by schools to address bullying on the grounds of pupils protected characteristics. The report contained eleven recommendations for schools and Local Authorities. These included ensuring school staff know how to deal with and record incidents of bullying and make sure they can tackle different types of bullying. It also recommended Local Authorities and regional consortia should provide training and support for school staff and governors.

**Gender Pay Gap**

2.39 The NatCen review stated some organisations had moved beyond equal pay audits and had begun to address the reasons for pay differences with a focus on gender.

2.40 The EHRCs monitoring in 2013 and 2014 on the progress in universities in addressing the gender pay gap reported that universities were addressing the three main causes of the gender pay gap. These were discrimination in pay systems, job segregation and the need to balance work and home life in different ways. Each university had at least one initiative to widen access and increase student diversity. The report concluded that although some progress had been made to narrow the gender pay gap, the pace of change was slow.

2.41 Overall, Local Authorities felt that they had made good progress in reducing the gender pay gap but recognised there was more work to be done. Furthermore, it was felt that in order to achieve significant and sustained progress on equal pay there were external factors which needed to be addressed by Government, for example relating to childcare.

2.42 Other, smaller public sector bodies such as the National Museum Wales and Wales Audit Office had also made inroads in narrowing the gender pay gap through an increase of women employed at senior grades and identifying other causes of the pay gap.

**Challenges**

2.43 Public sector bodies identified the challenges they had experienced or observed in implementing the PSED. This section draws out the common themes from the evidence, the NatCen review and EHRC’s monitoring and research.

**Impact of Austerity and Welfare Reform**

2.44 It is widely acknowledged across the public sector that there has been a disproportionate impact on protected groups resulting from the twin impacts of the economic downturn and the UK Government’s welfare reforms. Welsh Government commissioned a programme...
of research (www.wales.gov.uk/topics/people-and-communities/welfare-reform-in-wales/analysing-reforms/?lang=en) to analyse the impact of the UK Government's welfare reforms in Wales with the aim of providing evidence to assist with policy decisions. Stage 3 of the report specifically looked at the potential impact of the UK Government's welfare reforms on protected groups.

2.45 Austerity has created additional challenges for public sector bodies in terms of reductions in resources and capacity, against an increase in demand for services and a backdrop of service redesign and reconfiguration. The result has been to hamper the pace of progress and affect the level of priority afforded to the equality agenda. The public sector continues to work in a climate where decreasing resources and financial constraints are an increasing concern and where difficult decisions have to be made, often in a relatively short space of time.

2.46 Another impact of the economic downturn is a decline in external recruitment across public sector bodies. Consequently, this impacts upon the public sector's ability to build on the diversity of its staff.

2.47 Public sector bodies reported that limited capacity and resources have meant that fully meeting the requirements of the duties has becomes more of a challenge for smaller organisations (such as schools) than for larger organisations.

2.48 Public sector bodies suggested one way forward is flexibility in how equality can be aligned to other priority pieces of work whilst ensuring the equality focus is not lost. For example, some Local Authorities have sought to address this by integrating their annual equality report into their annual performance report. This is helpful in mainstreaming equality reporting.

**Call for Further Support**

2.49 On one hand, the Welsh specific equality duties have brought more transparency and accountability and have instigated and driven change across the public sector.

2.50 On the other hand, public sector bodies noted that the complexity of policy and legislation could itself be a barrier. Equality duties potentially drive an organisational rather than partnership approach by setting out responsibilities for individual listed bodies.

2.51 In addition, the duties have contributed to increasing workload at a time of diminishing resources, for example, in relation to gathering, monitoring and analysing equality data both externally and within an organisation.

2.52 The NatCen review stated that public sector bodies felt there was a need for greater practical information and support to ensure that they were implementing the PSED in line with best practice and in a proportionate way.
Data Collection and Reporting

Employment Data Collection

2.53 The collection of employment equality data within organisations has been highlighted as an area of challenge, in particular around privacy, prescriptive requirements of the statutory requirements and overall awareness of the duty.

Population and Service User Data Collection

2.54 The collection and reporting of equality data about the population and service users was noted as a significant area of challenge for public sector bodies. Public sector bodies felt data collection in this area could be more consistent and used more effectively across the public sector in Wales.

2.55 Some public sector bodies felt they would benefit from a consistent set of equality monitoring requirements and timescales, especially with regard to the different policy areas in Welsh Government and their grant funded programmes. This would help improve the collection of equality information at a local level.

2.56 The main challenges of data collection (including at both employment and population level) were summarised as follows:

- **Legislative requirements**
  The requirements of the duty were seen as lengthy and prescriptive and certain elements were a challenge to collect. In particular, the requirement to publish training requests that were unsuccessful was deemed to be difficult. It was also considered resource intensive and ultimately unlikely to be reliable or especially informative.

- **Awareness of the duty**
  Some public sector bodies cited the fundamental lack of awareness of this duty across organisations outside equality leads. Service users and staff did not always understand why the information was being collected and to a lesser extent, how it should be used to improve services and outcomes for staff and service users.

- **Quality of data and systems**
  Public sector bodies described challenges in adapting existing systems to meet PSED requirements without incurring considerable cost.

- **Privacy**
  Some bodies faced resistance in the collection of data on protected characteristics, predominantly, religion and belief, sexual orientation and gender reassignment.

- **Sharing population and service user equality data**
  Participants in the NatCen review expressed concern that there was insufficient sharing of equality information across the public sector which had led to duplication of work.
Equality Impact Assessments (EIA)

2.57 Third Sector stakeholders described the purpose of an EIA as creating an overall picture of the broad impact (outcomes) on protected groups rather than an emphasis on process. This led to EIAs being undertaken as a ‘tick box’ exercise or a ‘rear guard’ and retro-fit measure. The public sector also needed to ensure that the focus remained on the cumulative impact of EIAs.

2.58 They also felt that there was inconsistency in process and quality of the EIAs undertaken across the public sector. When the purpose of an EIA was understood and therefore undertaken correctly, best practice was not always shared across public sector bodies.

2.59 They further noted that when an EIA was undertaken, there were pockets where there was a lack of meaningful engagement with protected groups. This was described in the report produced by Guide Dogs Cymru which reported on schemes developed and implemented by Local Authorities which limited the access of blind and partially sighted people in Wales.

2.60 Public sector bodies acknowledged that the application and quality of EIAs required further embedding and improvement and would welcome practical guidance on how to undertake a proportionate but meaningful EIA.

Engagement

2.61 The NatCen review highlighted the concerns of the public sector that insufficient sharing of information between organisations gathered through consultation, engagement and data gathering was leading to ‘engagement fatigue’. More often than not, it was the same individuals and/or organisations who were being asked for their input by many different organisations.

2.62 Third Sector stakeholders stressed the importance and value of providing feedback to protected groups who took part in engagement sessions. The feedback needed to outline how their input would lead to changes in service delivery, policy and decision making by public sector bodies.

2.63 The Third Sector stated that poor engagement had resulted in schemes which were not inclusive. This therefore exerted additional pressures on already diminishing public sector budgets as remedial work sometimes had to be undertaken.

Diversity in Decision Making

2.64 The EHRC report ‘Who Runs Wales?’ showed that very little progress had been made over the past decade in getting more women into positions of power and influence in key areas of Welsh life, including politics, local government, health and the private sector.

2.65 Sport Wales has recruited a more diverse Board in terms of gender following changes to their recruitment procedures. They made this a case study to show how changes to the Board appointment process made a difference to the number of women who applied and/or were appointed.
2.66 This case study has been shared with Chairs of other public bodies. Led by Welsh Government, considerable work has been undertaken to improve diversity at the upper decision-making echelons of public sector organisations, further proactive work is required. This should be designed to ensure arrangements are in place to ensure women and people from the other protected characteristic groups reach their potential and benefit from both increased visibility and voice in public life.

**Gender Pay Gap**

2.67 Overall, Local Authorities felt that they had made good progress in reducing the gender pay gap but recognised there was more work to be done. It was felt that in order to achieve significant and sustained progress on equal pay there were external factors which needed to be addressed by Government, for example relating to childcare.

**Conclusion**

2.68 Wales is already seeing the differences the duties are making on the ground across the public sector. Equality impact assessments, together with meaningful engagement with protected groups, are effectively informing policies and delivery plans across Wales.

2.69 The NatCen review was clear that a substantial amount of progress had already been realised across the public sector in meeting the Welsh specific equality duties.

2.70 The NatCen review reported that there was a strong sense that the PSED, in principle, was a positive step forward. “Public sector bodies felt that the PSED provided visibility, focus and the impetus for equalities work and 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.”

2.71 Chapter 4 of this Report addresses the second part of the statutory duty, which is to set out proposals for the coordination of action by public authorities in Wales to bring about further progress towards compliance with the Public Sector Equality Duty. Chapter 4 responds to the challenges identified in this chapter and outlines the opportunities which exist to accelerate the pace of change and collaborate further across the public sector in complying with the PSED.
Chapter 3 – Evidence of Progress by Sector

Introduction

3.1 This chapter presents an overview of the progress made across the devolved public sector in meeting the requirements of the PSED and Welsh specific duties in Wales. It includes a snapshot of the range of actions and approaches taken across the public sector to embed and drive forward the duties.

3.2 Although this chapter provides a broad overview of progress, further detail of individual authorities’ achievements can be found in their published annual reports. These focus on the progress they have made against their Strategic Equality Plans and equality objectives. The Review of the Public Sector Equality Duty (PSED) in Wales report by NatCen also provides case studies throughout its report.

Structure

3.3 All public sector bodies listed in the Equality Act 2010 were invited to provide evidence of the progress they had made over the reporting period.

3.4 Participating public sector organisations have been divided into five broad groups for the purposes of this chapter:

- Welsh Government
- Local Government
- Health
- Education
- Other Listed Bodies
Welsh Government

3.5 The PSED and Welsh specific duties are cross cutting across all Ministerial portfolios and all Ministers play an important role in delivering on equality and inclusion.

3.6 The broad purpose of the specific duties in Wales is to help organisations in their performance of the PSED. Therefore in order to present a picture of progress across Welsh Government departments in meeting the PSED, the Welsh specific equality duties have been used to categorise the examples into appropriate sections.

Strategic Equality Plans and Objectives

3.7 Welsh Government's Strategic Equality Plan and equality objectives were formulated following extensive public engagement.

3.8 Each Department is actively working on progressing the objectives in the Strategic Equality Plan. Examples of the work of Departments are set out below.

Department for Local Government and Communities

3.9 There are a number of key Frameworks which clearly take forward the public sector equality duty.

3.10 The Tackling Hate Crimes and Incidents (www.wales.gov.uk/topics/people-and-communities/equality-diversity/rightsequality/hate-crime/?lang=en): A Framework for Action, launched in May 2014 to tackle hostility and prejudice against the protected characteristics of race, religion, disability, sexual orientation, gender identity and age. This is achieved through three strategic objectives: prevention, supporting victims and multi-agency working. The Framework is supported by a delivery plan and an annual update and will be monitored by an Independent Advisory Group.

3.11 The Community Cohesion National Delivery Plan (www.wales.gov.uk/topics/people-and-communities/communities/communitycohesion/publications/?lang=en) was launched in June 2014. The Plan focuses on seven outcome areas including hate crime, modern slavery, Gypsy and Traveller engagement, immigration, Communities First involvement, mainstreaming and tension monitoring. Delivery has been supported through additional funding until 2014 for eight regional Community Cohesion Co-ordinator posts across Wales that are based within local authorities. The Plan is being updated annually.

3.12 Legislation (www.wales.gov.uk/legislation/programme/assemblybills/domestic-abuse/?lang=en) aimed at ending gender based violence, domestic abuse and sexual violence was introduced into the National Assembly on 30 June 2014. It contained key priorities including improving leadership, prevention and strengthening services. In 2013 all major public sector organisations in Wales introduced or reviewed workplace policies on violence against women, domestic abuse and sexual violence.

3.13 Accessible Housing Registers are held by Local Authorities and match disabled people to available adapted properties. The use of open and transparent Accessible Housing Registers is being promoted by Welsh Government in the Code of Guidance for Local Authorities on the
Allocation of Accommodation and Homelessness and through our agreement with the Welsh Local Government Association.

3.14 Welsh Government is promoting and supporting the use of joint housing waiting lists which when used at a local level bring together social landlords in an area to improve access to social housing. An example is the North East Wales Single Access Route to Housing, funded by Welsh Government, which is bringing together some of the North Wales Local Authorities to develop a joint housing waiting list. This project will provide wider lessons for other Local Authorities and is anticipated for completion in 2015-16.

Department for Education and Skills

3.15 Significant funding has been made available to promote equality of opportunity. The Minority Ethnic Achievement Grant amounted to £30.1 million over the period April 2011-March 2014. This grant aimed to raise educational attainment of children aged 3 to 19 from minority ethnic backgrounds. A considerable impact of the grant was in supporting pupils’ English as an additional language so that they were able to access the curriculum.

3.16 Over the same period, the Grant for the Education of Gypsy and Traveller children amounted to £3 million. The grant is to improve attendance and attainment and to encourage Gypsy and Traveller children to complete their secondary education. As part of the draft 2015-16 budget and integrated Equality Impact Assessment to be published alongside the draft budget on 30 September 2014, the Minority Ethnic Achievement Grant and Education of Gypsy and Traveller Children Grant will be reviewed.

Department for Health and Social Services

3.17 Equality of opportunity has been driven forward through the Strategy for Older People Phase 3 Living Longer, Ageing Well 2013-2023 which was launched in May 2013. The vision underpinning the Strategy is that all people in Wales feel valued and supported, whatever their age, and that all older people in Wales have the social, environmental and financial resources they need to deal with the opportunities and challenges they face. The Strategy promotes positive images of ageing and older people and has focused on issues that are important to older people, based on what they have told us. Each phase of the Strategy has focused on different components and good progress has been made in addressing the issues raised and delivering on the specific actions.

3.18 The Social Services and Well-being (Wales) Act 2014, which received Royal Assent on 1 May 2014, gives people greater freedom to decide the services they need, whilst offering consistent, high-quality services across the country. It will transform the way social services are delivered, promote people’s independence, give them a stronger voice and more control, promote equality and improve the quality of services and the provision of information people receive.

Department for Economy Science and Transport

3.19 There has been ongoing work to improve access to services including the Concessionary Bus Travel Scheme which guarantees free travel for older and disabled people resident in Wales. The scheme has been extended to include seriously injured service veterans and
personnel. This addresses equality of opportunity between those covered by the legislation and other members of the travelling public.

3.20 Cadw offers free admission to people with physical and sensory impairments and mental health problems, and where they have them, their carers at its sites where there is an admission fee. Access to Cadw monuments for learning activities is free of charge. The Lifelong Learning Team also undertakes learning activities at events in the community. In May 2014, Cadw introduced a concessionary rate for refugee and asylum seekers/Azure Card holders, and is working with the Welsh Refugee Council to publicise this.

Engagement

3.21 Since the introduction of the equality duties, increased engagement has been a key feature across Welsh Government.

Department for Health and Social Services

3.22 In July 2013, the Chief Nursing Officer issued core service user experience questions to NHS Wales to support the implementation of the Framework for Service User Experience. These were developed by the National Service User Experience Group to be used across all care settings, to ensure a consistent approach to determining service user experience across Wales. Equality and diversity questions have been included to ensure responses are received from all sectors of the community.

3.23 The Learning Disability Advisory Group was set up in 2012 to advise Welsh Ministers on learning disability policy and practice. Its main work areas are: transforming care for people with a learning disability and challenging behaviour, tackling health inequalities and social determinants of health for people with a learning disability and advocacy for people with a learning disability.

3.24 The National Social Services Citizen Panel for Wales has been established to secure a voice for people who need care and support and for carers themselves. The panel considers the social services transformation agenda, policy development and implementation of the Social Services and Well-being (Wales) Act 2014. Membership of the Panel is diverse covering age, disability and gender, but the common thread is that members must be current users of services or carers. All members are fully supported to secure their voice in the group, using accessible approaches and formats. This is a novel and innovative approach which is intersectional rather than identifying individual protected characteristics.

3.25 Within the field of health and social services co-production is at the heart of the Prudent Healthcare agenda, shaping the planning and delivery of services. Prudent healthcare is underlined by a commitment to rebalance the healthcare system by strengthening primary and community-based care to support the establishment of a more equal relationship between patient and professionals and changing the relationship between healthcare services and the public, characterised by a shared responsibility for securing improved health outcomes.
Department for Local Government and Communities

3.26 A Framework for Action on Independent Living (www.wales.gov.uk/topics/people-and-communities/equality-diversity/rightequality/disability/framework-for-action/?lang=en) was published in September 2013. The Framework sets out the actions that the Welsh Government is taking across departments and with external partners to tackle barriers and improve support for disabled people so they can live independently and exercise choice and control in their daily lives. The overarching aim of the Framework is to promote the rights of disabled people in Wales and to enable their full participation in society. A co-productive approach was taken in developing the Framework which involved engagement with disabled people and their representative organisations across Wales.

3.27 Travelling to a Better Future (www.wales.gov.uk/topics/people-and-communities/communities/communitycohesion/publications/travellingtoabetterfuture/?lang=en) – Gypsy and Traveller Framework for Action – An updated Delivery Plan was published in November 2013 with some notable achievements with regards to progress made on improving accommodation standards for Gypsies and Travellers in Wales along with an increase in Gypsy and Traveller children and young people in schools. Key strategic support has been provided to empower young Gypsies and Travellers to participate and engage in activities that affect their future, including the UK’s first National Gypsy and Traveller Youth Forum. Welsh Government will progress the objectives within the delivery plan and will publish a review of the Framework in 2016.

Department for Natural Resources

3.28 There has been an increased focus on engaging with our citizens to understand the key issues and potential barriers faced by protected groups. For example, additional awareness schemes and a Community Engagement Toolkit have been put in place to help ensure that more vulnerable residents are aware of potential flood risk.

3.29 Planning Aid Wales, funded by Welsh Government aims to encourage individuals and communities across Wales to participate more effectively in the planning system.

3.30 The Control of Horses (Wales) Act 2014 (www.wales.gov.uk/legislation/programme/assemblybills/controlofhorses/?lang=en) became law in Wales in January 2014 and is intended to deal with the increasing incidences of fly grazing, abandonment and straying of horses and ponies across Wales. The Welsh Government met representatives of the Gypsy and Traveller community to discuss the practicalities of the Act and the potential impact it may have on horses they own. The work to date and the meetings held have been helpful in fostering better relations between Welsh Government and the Gypsy and Traveller Community.

Department for Finance and Corporate Services

3.31 Within Welsh Government there has been a strong focus on engaging with staff from minority groups and improving links with the Staff Diversity Networks. In April 2013, revised terms of reference were drawn up, and the four networks (Minority and Ethnic Staff Network, Women Together Network, PRISM/LGBT Network and Disability Network) were given agreed facility time and a budget for the year. A commitment was also made to discuss Equality and Diversity at Board meetings a minimum of twice per year.
3.32 In April and May 2012 an engagement exercise with disabled colleagues was undertaken in response to the continued lower scores posted by disabled staff in the People Survey. The exercise was intended to lead to better understanding of the reasons for this and to identify remedial action. The majority of the feedback focused on a perceived lack of awareness and understanding of disability equality by line managers, the need for more early engagement with disabled colleagues before policies and processes were implemented and joined up arrangements for providing reasonable adjustments. Based on this engagement, in August 2013 a new one-day training course was rolled out focussing on ‘Hidden Disabilities and Carers Awareness’.

3.33 In September 2014 WEFO provided their autumn update to the Welsh Government’s Strategic Equality Action Plan, which detailed how the Equal Opportunities and Gender Mainstreaming cross cutting theme has been integrated into the development of the 2014-20 European Social Funds (ESF), European Regional Development Funds (ERDF) and European Agricultural Fund for Rural Development (EAFRD) Programmes.

**Assessing Impact**

3.34 There has been significant work to embed effective equality and other impact assessments in Welsh Government business.

**Department for Health and Social Services**

3.35 The equality impact assessment process is the key mechanism for ensuring all Health and Social Services policy takes account of the impact on protected groups. In 2013 Health and Social Services set up the Joint Policy Integration and Legislation Assurance Programme Board to strengthen the mechanism in place to ensure that all statutory requirements placed upon Welsh Ministers have been considered and taken into account in policies and programmes developed within the Department.

**Department for Economy Science and Transport**

3.36 All major road projects in Wales have, over the period 2011-2014 included equality and human rights impact assessments through the Welsh Transport Planning and Appraisal Guidance.

**Department for Finance and Corporate Services**

3.37 The Welsh Government was the first UK Government to assess the impact of its spending proposals and, over the Spending Review period, has continuously looked at how it can improve its approach to equality impact assessments. At the outset of the Spending Review in 2010, the Welsh Government published a comprehensive impact assessment of its spending plans alongside the Final Budget 2011-12. Much of this work has continued to be relevant over the Spending Review period. In view of this, the Welsh Government has not repeated the detailed assessment year on year but has sought to supplement this work by assessing the impact in those areas where changes have been made to our spending plans.
3.38 For the Draft Budget 2013-14, the Welsh Government took further steps to improve the equality considerations of its spending plans by:

- considering the impact on different socio-economic groups, in addition to the impact on people with protected characteristics;
- ensuring that equality impacts were considered within the decision making process for additional capital allocations;
- undertaking a reflective piece of work to understand the distributional impacts of previous budgetary decisions; and
- announcing the establishment of the Budget Advisory Group for Equalities.

3.39 We looked to build on that work last year by drawing on the recommendations from the Equality and Human Rights (EHRC) Commission’s Appreciative Inquiry Report and through discussions at the Budget Advisory Group for Equalities (BAGE). The Welsh Government announced the establishment of Budget Advisory Group for Equality during the scrutiny of the Draft Budget 2013-14. The BAGE aims to provide expertise and a better understanding of inequalities in Wales. Led by the Minister for Finance and the Minister for Communities and Tackling Poverty, this group brings together representatives from Third Sector equality organisations, statutory sector equality leads as well as an academic adviser. Together they provide advice and share expertise and best practice on equality issues.

3.40 Last year, we also set out our intention to continue on our improvement journey by moving towards a more integrated approach to the impact assessment of the Budget, which considered not only equality and socio-economic disadvantage but also looked to reflect children’s rights and Welsh language. We concluded that an integrated assessment provided a more realistic assessment of the overall impact of spending decisions. Against a backdrop of reducing budgets, there is not always a single answer that will manage the impact of a decision in all areas. What is important is that we understand the full range of impacts and make a decision informed by that understanding. This approach reflects our wider understanding of the sustainability of our decisions and the aims and objectives set out in the Well-being of Future Generations (Wales) Bill, including the focus on prevention, collaboration and long-termism. The Strategic Integrated Impact Assessment (SIIA) was published alongside the Draft Budget 2015-16 on 30 September. In addition to taking a more integrated approach, the SIIA also takes account of discussions at the Budget Advisory Group for Equality, particularly in terms of the focus on key decisions.

3.41 An Equality Impact Assessment (EIAs) covering the 2014-20 European Structural Funds, European Regional Development Funds and European Agricultural Fund for Rural Development programmes has been undertaken. Recommendations from the EIAs have been incorporated into the Draft 2014-20 Operational Programme documents which are being consulted on with the EU Commission. The full EIAs are available on the Welsh European Funding Office’s (WEFO’s) website and include research data/information on groups identified under the 2010 Equality Act as having protected characteristics.
Department for Local Government and Communities

3.42 Assembly Members passed the ground breaking Rights of Children and Young Persons (Wales) Measure 2011. This placed a duty on all Welsh Ministers to have due regard to the United Nations Convention on the Rights of the Child when exercising any of their functions. The duty under the Measure is ambitious but critical in securing positive outcomes for children and young people in Wales by engendering a culture within Government which respects, promotes and upholds children’s rights.

Pay Differences

3.43 The Welsh specific equality duties have encouraged a focus on pay gaps. In order to achieve significant and sustained progress on equal pay Departments have considered a combination of underlying factors which needed to be addressed.

Department for Education and Skills

3.44 The Department for Education and Skills has been actively progressing work to tackle the gender gap and address the underlying factors contributing to the underperformance of boys. Evidence continues to show that girls are outperforming boys at all stages of their education in relation to literacy skills. Through grant assistance, support has been provided from September 2011 to the present, first through the Countering the Underachievement of Boys project and subsequently through the Premier League Reading Stars Cymru project currently in development. The Reading Stars projects set out a comprehensive and structured programme to support targeted groups of children in primary and secondary schools.

3.45 In September 2012 an all Wales conference, ‘The Road not Taken’ was held on Gypsy and Traveller secondary education. This was complemented by the Welsh Government’s Gypsy and Traveller Framework for action ‘Travelling to a Better Future’ which included a comprehensive chapter on education and ‘Travelling Together’ a new on-line curriculum resource which celebrates Gypsy and Traveller history and culture. The aim was to provide Gypsy and Traveller learners with a more culturally relevant curriculum, at the same time as breaking down myths and stereotypes around them and reducing bullying and name calling.

3.46 The data provided by Local Authorities when applying for the Welsh Government Specific Grant for the Education of Gypsy Children and Traveller Children shows that there are now almost 2,500 Gypsy, Roma and Traveller children at school in Wales which is higher than ever before. Numbers have grown by more than 600 over the past 5 years and 47% of the eligible pupils are now in secondary school.

3.47 In March 2014, ‘Raising Aspirations’, an all Wales conference on minority ethnic achievement was held on the theme ‘sharing good practice, so that we can make great progress’.

3.48 In May 2014, a White Paper was published setting out proposals which would create a new legislative framework around children and young people aged 0-25 with Additional Learning Needs. This will replace the existing statutory frameworks for children and young people with special educational needs in schools and learning difficulties and/or disabilities
in post-16 education and training. The proposals are intended to form the basis of a Welsh Government Bill in due course. These legislative proposals will promote equality of opportunity for children and young people with Additional Learning Needs – including disabled children – because they will introduce a legislative framework which will be designed to ensure that all children and young people are able to take full advantage of the educational opportunities available to them and reach their educational potential.

**Department for Local Government and Communities**

3.49 Within Local Government and Communities there is a strong and steady drive to improve Board level diversity across the public sector. In July 2013 the then Minister for Local Government and Government Business established the Expert Group on Local Government Diversity. The Group was tasked with considering the results of the Local Government Candidates Survey 2012 and related issues. An action plan for the Welsh Government, Local Government, political groups and other stakeholders has been developed to help to design policy aimed at increased diversity amongst Councillors elected at the 2017 local elections. The Report of the Expert Group ([www.wales.gov.uk/topics/localgovernment/publications/expert-group-report/?lang=en](http://www.wales.gov.uk/topics/localgovernment/publications/expert-group-report/?lang=en)) was launched on 5th March 2014 and made 22 recommendations for increasing the diversity of Councillors.

**Department for Economy, Science and Transport**

3.50 There is a strong emphasis on activities which promote equality of opportunity in particular in accessing services and amenities. In February 2013, Cadw piloted an archaeology project at HMP and YOI Parc – MORTARIA (Motivating Offender Rehabilitation through Archaeological Recording, Investigation and Analysis) designed to contribute towards the rehabilitation of offenders. The programme engaged young people with archaeology to equip them with recognisable transferable skills outside a formal learning setting and provided recognised accreditation.

3.51 Through the Youth Entrepreneurship Strategy, the Welsh Government addresses lower levels of access to entrepreneurship support among young people by working in schools, colleges, universities and youth and community groups.

3.52 A Participation Fund has been established to support individuals who share a protected characteristic in accessing business support. The aim is to provide our service providers with a tool to deal effectively with barriers faced by individuals and to test new ways of engaging with target groups.

**Department for Finance and Corporate Services**

3.53 Positive action projects have been supported, recognising the different experiences people have. These include the European Social Fund (ESF) ‘Agile Nation’ project run by Chwarae Teg, which aims to promote gender equality and support career advancement through targeted support for employees and through working with employers on improvements in Equality and Diversity Strategies including flexible working initiatives. The Women Adding Value to the Economy (WAVE) project aims to tackle the underlying issues that contribute to gender pay inequalities in Wales in employment and self
employment, giving a deeper understanding of the gendering process in the labour market and how women might maximize their opportunities within employment. The project is led by the University of South Wales in partnership with Cardiff University and the Women’s Workshop project BAWSO.

3.54 Recognising the pay gap extends beyond gender, a range of ESF funded projects have also been supporting people with protected characteristics. These include ‘Increasing BME Employment and Tackling BME Economic Inactivity’ led by SOVA and ‘Minorities are Wales Resources 2’ led by YMCA Swansea. Projects supporting disabled young people alongside projects supporting older disabled people such as ‘Costal’ and ‘Fit for Work and the Cyrenians ‘Supported Employment and Training Programme’ in Swansea, working with vulnerable adults with chaotic lifestyles have also received support for activity in this area. Activity focusing on addressing inequalities in pay will continue to be supported through the 2014-2020 ESF programmes in Wales.

Procurement
Department for Finance and Corporate Services

3.55 Contracting public authorities in Wales must have due regard to equalities considerations during the procurement process in the award criteria and contract conditions. The Finance Minister issued the Wales Procurement Policy Statement in December 2012, setting out nine key principles for effective and ethical public procurement in Wales. There are requirements in the Statement that promote the equality and diversity agenda including applying community benefits to contracts and targeting disadvantaged groups furthest from the labour market. In November 2013 National Procurement Service was created to bring together the procurement of common and repetitive spend across the Welsh public sector on a ‘Once for Wales’ basis. It has embedded the principles of the Wales Procurement Policy Statement in all of its work. Feedback from Third Sector organisations suggests that the PSED has had a positive impact on the equality practice of organisations competing for public sector contracts.

Wider Public Sector

Local Government

[Local Government includes Local Authorities, schools, fire and rescue authorities and national park authorities]

3.56 There has been significant work to embed effective EIAs in organisational business, with authorities reviewing and developing their processes on a continuing basis. There are cases where EIAs are helping to inform good decision-making, such as Neath Port Talbot County Borough Council’s EIA of a potential closure of community centres which helped to reconfigure the centres to meet the needs of protected characteristics groups. Furthermore, the challenge of local authority budgets has brought EIAs into sharper focus, given the need to balance multiple considerations as part of any savings proposals. In this context, EIAs are helping to identify risks and mitigations at a time of austerity, providing an opportunity to demonstrate their value. For example, the City and County of Swansea’s EIA (www.swansea.gov.uk/index.cfm?articleid=13264) process.
3.57 It is also felt that the PSED has helped to drive improvements in engagement with protected characteristic groups. Authorities have developed consultation and engagement strategies (North Wales Fire and Rescue Service, for example) and are working with local forums, such as Disabled People Together (www.disabledpeopletogether.org/favicon.ico) in Ceredigion, which provides a means for local disabled people to influence and advise the local authority. Toolkits and resources have also been developed to support officers across organisations (see Caerphilly CBC (www.caerphilly.gov.uk/pdf/council_democracy/Equalities_Consultation_and_Monitoring_Guidance_2012.pdf), for example).

3.58 Improvements in engagement are being mirrored internally, with staff networks ensuring authorities can be responsive employers. Indeed, it has been noted that the duty to engage is strengthening EIAs, helping authorities to understand and respond to the views and needs of people with protected characteristics, which in turn enables service improvement and the avoidance of unnecessary costs. In particular, engagement is providing invaluable information to inform budget setting (see Cardiff Council (www.cardiff.gov.uk/ENG/Your-Council/Council-finance/Council-Budget/Documents/Budget Engagement Report February 2014.pdf) and Monmouthshire County Council (www.monmouthshire.gov.uk/futuremonmouthshire/feed)).

3.59 Ensuring that staff understand and are committed to promoting the values of the PSED is key to building an enduring equality-sensitive culture. For that reason, authorities have made significant efforts to develop the knowledge and expertise of their staff. The Welsh Local Government Association has provided support in this area too, delivering training to officers and Elected Members at authorities’ request. Authorities’ annual reports set out their intentions to continue building this capacity, but this will take time.

3.60 Local Authorities have made strong progress in efforts to tackle hate crime and reducing domestic violence as highlighted in both the NatCen review and the monitoring undertaken by the EHRC. This has covered extensive mapping, awareness raising among staff and the community and the establishment of third party reporting centres (for example, in Wrexham (www.wrexham.gov.uk/assets/pdfs/onewrexham/third_party_reporting_centres.pdf)). This shows that Local Authorities are in a strong position to support the implementation of Welsh Government’s Hate Crime Framework.

3.61 There are also excellent examples of joint work between Local Authorities and schools aimed at tackling negative attitudes and reducing identity-based bullying, and ultimately preventing hate crime over the longer term. This includes celebrating different faiths and cultures, working with Show Racism the Red Card and theatre companies and establishing youth-led groups where young people work together to promote respect and understanding. Such examples illustrate how schools and Local Authorities are working together to deliver a shared agenda.

### Local Health Boards and NHS Trusts

3.62 The PSED was the catalyst for collaborative working between the planning and equality Lead officers from five Health Boards and the Wales Ambulance Service NHS Trust. This culminated in a joint Equality Impact Assessment of the proposed South Wales Programme. In addition, as part of the consultation, Health Boards asked for equalities information about

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2 Abertawe Bro Morgannwg University Health Board, Aneurin Bevan University Health Board, Cwm Taf University Health Board, Powys teaching Health Board, Cardiff & Vale University Health Board
participants and engaged with people from groups and communities who may be particularly affected by any changes to these services. Considerable work has been undertaken to understand the potential impact of any changes to these services and how these could be mitigated. The EIA is available here: South Wales Programme (www.wales.nhs.uk/SWP/opendoc/224702) post-consultation equality impact assessment.

3.63 There have been positive examples of regional working and collaboration between agencies to fulfil the PSED. Equality leads in all six North Wales Local Authorities, Betsi Cadwaladr University Health Board, North Wales Fire and Rescue Service, Welsh Ambulance Service NHS Trust, National Parks Authority and North Wales Police have shared good practice for many years. With the introduction of the new legislation, these organisations worked collaboratively to advance the equality agenda and to tackle issues on inequality that cut across the public sector in North Wales. More recently they have pooled their knowledge and expertise to develop a number of documents (www.wales.nhs.uk/sitesplus/861/page/59490) to provide guidance and recommend good practice in key areas which cut across the public sector.

3.64 Similarly, the need to fulfil the PSED’s requirements around engaging with a range of stakeholders from one or more of the protected characteristic groups and undertake robust EIAs were key pillars in Betsi Cadwaladr University Health Board’s Healthcare in North Wales is Changing (www.wales.nhs.uk/sitesplus/861/page/58093) service reconfiguration. An EIA has been embedded into the Gateway Process (www.wales.nhs.uk/sitesplus/862/page/40330) for reconfiguration of services at Hywel Dda University Health Board and has helped inform discussions in the Programme Board around how future services are planned, developed and delivered.

3.65 Within Strategic Equality Plans there are also objectives around tackling hate crime and domestic abuse. The PSED has enabled healthcare services to fully engage in these areas in a proactive way, establishing closer working arrangements and monitoring with police and victim support agencies as well as developing work place policies to support staff at risk of abuse. This was a key work priority for the EHRC and the evidence provided within their ‘How Fair is Wales’ report helped raise the profile of hate crime.

3.66 Powys Teaching Health Board and Powys County Council understood the opportunity that co-terminosity afforded when formulating their Strategic Equality Plans and Objectives. The organisations decided to engage jointly on the question of ‘How Fair is Wales?’ with Powys residents, particularly those from the protected groups. Branded ‘How Fair is Powys?’ it is now recognisable to members of the public, the Third Sector and protected groups. The initiative went on to be formalised into the creation of a joint strategic equality objective between the organisations. Focused on domestic violence currently, they have formulated a joint working group and publicity campaign, aligning with the hate crime objectives of both organisations as well as Welsh Government.

3.67 The PSED has proved to be a tool for the Third Sector to engage and influence the healthcare agenda and seek improvements for the people they represent. Following a review of the needs of people with sensory loss accessing healthcare, the Health Minister launched the All Wales Standards for Communication and Information for People with Sensory Loss (www.wales.gov.uk/topics/health/publications/health/guidance/standards/?skip=1&lang=en)
in December 2013. These were co-produced by the NHS Centre for Equality and Human Rights, Welsh Government, RNIB Cymru, Action on Hearing Loss and NHS organisations. The document sets out the standards of service delivery that people with sensory loss should expect when they access healthcare. Health Boards and Trusts will need to take positive action so that these access and communication needs are met.

3.68 The PSED requirement for organisation’s to ensure that staff receive training and awareness raising on equality has led to two specific training programmes. Betsi Cadwaladr Health Board (BCU HB) created an e-learning module for staff called ‘Fairness, Rights and Responsibilities’. Over 5,000 staff have successfully completed the package since 2012 (30% of the workforce). In September 2013 the NHS Centre for Equality and Human Rights launched ‘Treat Me Fairly’. Learning from the work undertaken in BCU HB, the Centre worked collaboratively with the health service and other key partners to develop an all Wales approach to e-learning; meeting the requirements of the PSED and bringing them to life for healthcare staff was at the heart of both products that now feature as statutory and mandatory training for all NHS staff.

**Education**

**General Teaching Council for Wales**

3.69 The General Teaching Council for Wales produces a number of journals each year entitled “Teaching Wales”. In accordance with their equalities objectives the journal has featured contributions from Welsh Women’s Aid and Stonewall Cymru. In working towards its equality objective, the Council ensures that all their staff and Council members receive training on the Equality Duty and conducting EIAs. The Council also conducts EIAs on case work and hearings. The outcomes of the assessments are recorded and monitored.

**Higher Education Funding Council Wales**

3.70 The Higher Education Funding Council Wales Corporate Strategy (www.hefcw.ac.uk/documents/publications/corporate_documents/Corporate Strategy 2013-14-2015-16.pdf) 2013-14 to 2015-16’s widening access strategic theme commits the Council to ‘securing inclusion, progression and success in higher education’. The Strategy recognises the contribution that higher education can make to social justice and sets out HEFCW’s intention to work with Welsh Government, the sector and partners to promote widening access and equality of opportunity.

3.71 From 2012-13 onwards, a statutory requirement has been placed on higher education providers to submit a fee plan to the Funding Council for approval, if they wish to charge higher rate fees to a maximum of £9,000 a year. Fee plans place an emphasis on equality of opportunity and the promotion of higher education. Institutions are encouraged to consider reflecting in their fee plans their strategic equality plan commitments to articulate fully their contribution to equality of opportunity and set out how much they intend to invest in supporting equality of opportunity and the promotion of higher education.

3.72 Fee plans should also set out institutions’ commitment to supporting mental health and wellbeing, in line with Welsh Government expectations, as set out in its strategy ‘Together for Mental Health’. In October 2013, the Funding Council published a circular, Equality and
Diversity in higher education: promoting mental health and wellbeing (www.hefcw.ac.uk/documents/publications/circulars/circulars_2013/W13 31HE Equality and Diversity in Higher Education Promoting Mental Health and Wellbeing.pdf), which provides information and identifies current practice on promoting and supporting mental health and wellbeing in higher education.

3.73 In 2013-14 the EHRC continued to monitor higher education institutions’ actions arising from the duty to address gender pay differences, and began to monitor actions that have been taken by the sector to widen access to Higher Education and increase student diversity. To support and progress this duty, the Council has been working with the EHRC and has developed a number of pay difference objectives within its Strategic Equality Plan.

Further Education sector and ColegauCymru

3.74 In 2013, the Further Education sector and ColegauCymru commissioned an independent EIA of the proposed new common contract for all staff employed in Further Education in Wales. It concluded that implementation of the common contract offered opportunities for the Further Education sector to eliminate inequities caused by historic differences in colleges’ employment terms. However for staff in some colleges this had the potential to introduce less favourable contractual terms. This could present a risk of disproportionate adverse impact on protected characteristics as well as a negative impact on overall fairness and equity. The recommendations of the report are being taken forward by the sector and ColegauCymru.

Estyn

3.75 Estyn raised the profile and understanding of equality and diversity within their organisation by making it the theme of their annual staff conference in 2012 and incorporating an introduction to the Equality Act 2010 in their induction programme.

3.76 Estyn has also increased awareness of equality and human rights in their inspection framework by producing guidance for inspectors on inspecting equality and human rights. The inspection handbook was also amended to take account of the Equality Act 2010. Estyn have been working closely with Welsh Government to raise awareness of inspection issues regarding Gypsy and Traveller and minority ethnic learners.

3.77 Estyn have also published a number of thematic reports (www.estyn.gov.uk/english/thematic-reports/recent-reports/) and publications including the education of Gypsy Traveller pupils, Skills for Older Workers and The Impact Of Adult Community Learning On The Wellbeing Of Older Peoples Needs. Their most recent review, published in June 2014, looked at the effectiveness of action taken by schools to address bullying on the grounds of pupils protected characteristics. The report included case studies of best practice illustrating how the best practice schools deal with bullying. Pupils shared their experiences of bullying with the team, but case studies of pupils’ experiences had been written in such a way as to avoid identifying individual pupils.
Other Listed Public Bodies

The Arts Council of Wales

3.78 The Arts Council's programme identified and supported eight artists and arts organisations from protected characteristic groups to develop and progress as professionals within the sector. This targeted development programme provided mentoring and business support as well as funding to create and present artistic work. Two of the eight artists/ companies supported through the programme have since progressed to a major development phase via the Lottery schemes programme.

3.79 The Arts Council has also developed a strong working relationship with Diverse Cymru who were commissioned to develop an Equalities Toolkit for the arts sector. Following a period of research over the last year they have produced a draft which will be launched through a series of briefing events in the autumn of this year. Partnership working is ongoing with Diverse Cymru who will be developing a bespoke training and development programme for Arts Council staff.

3.80 The Arts Council commissioned a piece of research into developing single ticketing for disabled visitors to the arts in Wales and based on the findings, have now commissioned the development of the scheme. This scheme will be the first of its kind and several bodies from across the UK have already expressed an interest in becoming involved at a future date.

The Care Council for Wales

3.81 The Care Council for Wales developed CARREG as the replacement ICT system for managing the regulation function of the Care Council for Wales. CARREG has an internet portal ‘MyCareCouncil’ enabling applicants to the Social Care Register to apply and manage their registration details. As such MyCareCouncil has been developed to meet the needs of disabled people. All the guidance for using MyCareCouncil is available on the website where it can be viewed on a range of devices and printed in large print or Braille if required.

Sport Wales

3.82 Sport Wales has a clear infrastructure in place to drive and scrutinise equality which includes their Equality Board and Operational Group as well as Equality Focus Groups.

3.83 Within Sport Wales equality priority characteristics are identified and targeted positive action put in place to address inequities or under representation. Much of this work has been partner led through Local Authority work and National Governing Body work. Partners are required to detail positive action within planning and are challenged in relation to this as well as reporting progress in terms of under represented groups.

3.84 Sport Wales have recruited a more diverse Board in terms of gender following a case study to determine whether changes to the Board appointment process made a difference to the number of women who applied and/or were appointed. Sport Wales are currently recruiting to widen representation further.
The National Library of Wales

3.85 The National Library provides training to all staff in equality and diversity. More recently volunteers are required to complete an online e-learning course consisting of modules on advancing equality of opportunity between people who share relevant protected characteristics.

3.86 A high priority status has been placed on diversity and equal opportunities by the Library’s Board of Trustees and Executive Team. Diversity is monitored by a Diversity Group which is chaired by the Library’s Secretary and Head of Governance who reports directly to the Board and Executive Team. The Secretary is the Library’s diversity champion.

The National Museum Wales

3.87 Within the National Museum there has been a determined effort to improve awareness and knowledge of equality within internal structures. Training and development for staff on equalities issues has increased. 68% of staff have received training in this area which raises awareness of the National Museum’s policies; Equality Objectives; obligations under the relevant legislation; and good practice. The Equality and Diversity and Dignity at Work sessions explore the prohibited conduct outlined in the Equality Act in depth and reinforce the conduct expected from staff as set out in the corporate policies and competency framework.

3.88 During the reporting period, the gender pay gap has reduced from 11.32% in the 2010-11 pay remit to 9.17% in the current pay remit. The main contributor to this reduction is an increased number of women employed at senior grades. The National Museum will continue to monitor the gender pay gap on an annual basis. Other initiatives being implemented in 2014 include the introduction of the living wage (78.05% of staff at the affected grade are women); a review of the pay and grading structure in which the aim is to reduce the number of incremental points in each grade; and the introduction of a talent management programme which will support under-represented groups to progress within the organisation.

3.89 The National Museum has also developed several projects which aim to improve the engagement and participation of protected groups. These projects involve under-represented groups in developing our collections so that we tell the story of the diverse people of Wales. The projects also aim to eliminate barriers to participation for under-represented groups to ensure equality of access to our museums and collections.

3.90 For example, the Diversity Forum is formed of representatives from organisations that work closely with diverse community groups. The group was formed with the goal of ensuring that the redevelopment of the Museum was accessible, of interest to and representative of all. To date, the group has informed gallery layout and access, gallery content and interpretation, collaborative methods, approaches to engaging key audiences and methods of developing best practice. Focus groups have also been held with group members looking at marketing materials, and the drive to broaden the Museum’s collections. The group will also review activity programmes and events as the project develops.
3.91 By engaging with as diverse a range of service users as possible at this early stage in the redevelopment project, it is anticipated that any physical, intellectual, perceived and attitudinal barriers to participation are eliminated and that people from all communities feel that the Museum is accessible, relevant and representative.

3.92 During June 2012, St Fagans National History Museum featured Refugee House, a temporary exhibition as part of a programme of events to celebrate Refugee Week. The project was a collaboration between Oasis Cardiff, an organisation that aims to help refugees and asylum seekers to integrate into their local community, Gwent Association of Voluntary Organisations (Newport’s Young Asylum Seekers Support Service), and St Fagans. The key aims included highlighting stories about Refugee and Asylum Seekers’ lives in Wales at the beginning of the Twenty First Century; dispelling myths and stereotypes around Refugees and Asylum Seekers; building a bridge of understanding with the indigenous community and new arrivals to Wales; and fostering skill-sharing between museum staff and the Refugee Community. Over 5,000 visitors attended the exhibition and associated events.

3.93 Each February, the Museum holds a programme of events and exhibitions to celebrate Lesbian Gay Bisexual and Transgender (LGBT) History Month. A wide variety of events and exhibitions have been held, including community-curated displays, talks and lectures, an exhibition of well known LGBT personalities from Wales, family days and collection drives. LGBT History Month events have a broad appeal and are not only attended by members of the LGBT community. This provides an opportunity to celebrate the lives and achievements of the LGBT community in Wales and increase understanding and acceptance.

**Natural Resources Wales**

3.94 As a new body, Natural Resources Wales has been busy setting up its new arrangements to manage and deliver equality and diversity. Early achievements have included:

- Setting up an equality and diversity forum, including senior representation across the business, including a Board level Champion.
- Helping set up and support a number of networks for specific groups that share a protected characteristic. There is more work to do here but it has been a good start.
- NRW has put forward a submission to the Stonewall best employer in the UK index. The organisation received very positive feedback on what had been achieved in a very short period of time (a 6 month period). It is anticipated that additional work undertaken over the last months will help to secure a stronger ranking for the current year’s entry.
- A key internal business priority has been to develop the Equality Impact Assessment policy and supporting processes. At the present time, EIA courses are being delivered to a wide range of staff including senior managers, business change leaders and internal HR staff.

**Wales Audit Office**

3.95 The Wales Audit Office has worked towards achieving several key goals over the last three years, one of which was to address the gender pay differences faced in 2012. The Audit
Office committed to continuing with their pay alignment arrangements that were identified in the job evaluation exercise in 2007-9 but with an added understanding of being mindful of equality legislation. In continuing to assign staff to pay bands reflecting their responsibilities, skills and experience by which they would move incrementally up or down to a target pay level upon satisfactory performance, by April 2015 the aim was to help eliminate differences in pay that were not justifiable in terms of responsibility, skills and experience. The Audit Office also probed further into structural gender differences caused by recruitment and promotion arrangements in order to review and amend their policies. The result was a decrease in the overall pay gap from 22% in 2012 to 17% in 2014.

3.96 The Audit Office also developed a specific audit step that was built into the audit planning and recording software to consider whether any information reviews as part of the annual audit work indicated any significant failures to perform the PSED on the part of audited bodies.

3.97 The Audit Office has taken effective steps to raise the awareness of the Equality Act and PSED amongst its staff. Activities have included establishing an Equality Interest Group to act as a forum for staff consultation and to support the design and development of policies and practices, designing a communication strategy, e-learning training package and appointing equality and diversity champions to ensure that equality issues are raised and discussed at the highest level within the organisation.

**The Older People’s Commissioner for Wales**

3.98 The Older People’s Commissioner is a small organisation providing comparatively few direct services. The Older People’s Commissioner has produced fact sheets that outline in more detail who older people are and some of the challenges they face as the result of having a protected characteristic. The Factsheets ([www.olderpeoplewales.com/en/equality_human_rights/Factsheets.aspx](http://www.olderpeoplewales.com/en/equality_human_rights/Factsheets.aspx)) are available on the website.

3.99 To help professionals to better understand the nature and impact of ageism and how it feeds discrimination, in 2013, the Commissioner worked with Local Health Boards, Local Authorities, care homes, the Police and the Welsh Government to deliver a series of training seminars that included both practical activities and a range of detailed written resources to support the further development of better practice. The training seminars explored ageing and its impact upon individuals, families and communities in Wales, as well as how negative attitudes towards ageing can impact upon good service delivery. The training also allowed delegates to think, in practical terms, about how to develop age-friendly public services and age-friendly communities, based on the World Health Organisation Framework that will meet the needs of an ageing population.

3.100 There was cross-party support for the Commissioner’s call to enhance the rights of older people and that the Welsh Government asked the Commissioner to chair an independent advisory group to consider and explore the merits of a Welsh Declaration of the Rights of Older People, which would be the first of its kind in the UK. The Advisory Group subsequently worked with older people to develop a draft Declaration, which was based upon the issues that older people identified as most important to them, as well as
the United Nations Principles for Older Persons. In December 2013, the Welsh Government launched a public consultation on the Declaration, reaffirming its commitment to promoting the interests of older people in Wales and a commitment to equality and human rights. Over the next year the Older Peoples Commissioner will work with, and provide practical support to, the Welsh Government and public bodies to develop a rights-based approach to the provision of public services that both upholds the rights of individuals and supports the delivery of better public services.

3.101 In February 2013 formal guidance was issued, under Section 12 of the Commissioner for Older People (Wales) Act 2006, to all Health Boards in Wales, which set out the standards against which the Commissioner would measure their actions when engaging and consulting with older people. Following this, further evidence was requested from all Health Boards, under Section 3 of the Commissioner for Older People (Wales) Act 2006, to provide assurance that the interests of older people in Wales were sufficiently safeguarded and protected as proposals for reconfiguration were developed. The evidence was reviewed and an assessment provided to each Health Board with the request that they share and discuss this feedback at a public session of the Health Board.

The Public Services Ombudsman for Wales

3.102 The Public Services Ombudsman’s used the review of its guidance to local authority members in relation to the Code of Conduct, to strengthen the equality section by referring members to their responsibilities in relation to the Equality Act as well as the Code of Conduct and by the inclusion of a relevant real life case example.

3.103 The edition of the Ombudsman’s Casebook published in October 2013 gave particular attention to the issue of failures by public bodies to take account of the specific needs of service users when providing a service and gave specific examples of these. It was emphasised that public service providers should be mindful of their obligations under equality legislation.

Conclusion

3.104 The specific actions and evidence clearly demonstrate that the building blocks of implementing the PSED had been put in place across the listed public sector. In particular, the attention paid to compliance with the Welsh-specific duties such as writing a Strategic Equality Plan, setting equality objectives (including one on gender pay differences), conducting EIAs and gathering equality monitoring information. Organisations also discussed the way in which the specific duties had facilitated work that was already producing measurable positive outcomes.

3.105 The Natcen review concluded that 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.’
Chapter 4 – Coordinated Action for Further Progress

Introduction

4.1 Our Welsh specific equality duties explicitly set out the requirements of the Welsh Ministers’ report. The first is to report on progress public sector bodies have made in meeting the PSED and the second part requires Welsh Ministers to set out proposals for the coordination of action by public authorities in Wales to bring about further progress towards compliance with the Public Sector Equality Duty.

4.2 This chapter addresses the second part of the statutory duty and outlines the opportunities which exist to accelerate the pace of change and collaborate further across the public sector in complying with the PSED.

Strategic Actions

4.3 This is a time of opportunity, as we consider how public services can be designed and delivered in the future, how we can empower communities and build on the assets of people and communities and by working better together how we can improve outcomes. The Wellbeing of Future Generation (Wales) Bill and our work following the Commission on Public Service Governance and Delivery aim to deliver joint vision and values across the public sector.

The Well-being of Future Generations (Wales) Bill

4.4 The Well-being of Future Generations (Wales) Bill (www.senedd.assemblywales.org/mglssueHistoryHome.aspx?Id=10103) (‘The Bill’) marks a major change in the direction of travel for public services. The Bill was introduced by Welsh Government in July 2014 and presents an important opportunity to embed equality and help tackle the inter-generational challenges Wales faces in a more joined up and integrated way, ensuring Welsh public services look to the long term.

4.5 Wales faces a number of complex long-term challenges. Many of these are a legacy from the past, but it is increasingly recognised that more needs to be done to ensure that the current generation does not leave them as challenges for future generations. Through making the wrong choices now, it is future generations who will live with a changed climate, depleted resources, ill-health and a lack of knowledge that we know is essential to our quality of life.

4.6 We will not solve these challenges through the same ways of thinking which have created them. This is why the Welsh Government has decided to make sustainable development the central principle that guides all of its policies and programmes, and through this Bill extend this to the wider public service in Wales. Our approach is very much rooted in Welsh values with a focus on fairness, on pride in our communities and on our heritage. It places great importance on our quality of life and on our children’s future, which is why we must always look to the longer term in the decisions that we make now.
4.7 Welsh Government and each specified public body subject to the duty will need to set and meet well-being objectives to maximise their contribution to achieving the well-being goals. They will have to demonstrate how they have prioritised what they do and how they spend their money in order to achieve the well-being goals.

4.8 They will be required to do this in a manner consistent with the sustainable development principle, which includes the key approaches of sustainable governance of working together (collaboration), future proofing (long term), avoiding problems from arising in the first place (prevention), looking at all the goals together (integration) and engagement with people (citizen-centred).

4.9 Through the Bill we intend to establish a new Future Generations Commissioner for Wales to promote and support organisations to embed the sustainable development principle, and to require information in order to drive improvement. The Commissioner will have a legal duty to seek to safeguard the interests of future generations, and encourage public bodies to give greater account of the long term impact of the things they do.

4.10 The Bill will put Local Service Boards and Single Integrated Plans on a single statutory basis through the creation of statutory Public Service Boards (PSBs). This will better align local and national strategic planning through the well-being goals set out in the Bill.

Commission on Public Service Governance and Delivery

4.11 Public services support not just our well-being now, but that of future generations. Given society’s changing needs and demands, it is recognised that the models of public service delivery will have to change according to the demands placed upon them. Therefore in April 2013 the First Minister for Wales established the Commission on Public Service Governance and Delivery (www.wales.gov.uk/topics/improvingservices/public-service-governance-and-delivery/report/?lang=en) led by Sir Paul Williams tasked with examining all aspects of governance and delivery in the devolved public sector in Wales. The public sector is facing unprecedented challenges in terms of increasing demand and reducing finances. In this context, Wales has the opportunity to act now, together, to build a public service which can meet the challenges ahead.


4.13 In “Devolution, Democracy and Delivery: Improving public services for people in Wales“ the Welsh Government’s reform proposals include: sustaining and refocusing local government, to ensure Local Authorities have the critical mass needed to provide effective community leadership; improve the democratic leadership, diversity and governance of local authorities; streamline partnerships to more effectively integrate public services; improve the integration of health and social care services; and develop a set of values shared across public services.
4.14 The reform agenda proposes a new model for public services, one which reflects a new relationship between people who deliver the services and the people benefitting from them.

4.15 The ambition set out for Welsh public services means acting as ‘one public service’ and the Welsh Government has committed to developing shared service functions, improved digital services and stronger leadership to deliver this. Improving the performance of services is crucial and the Welsh Government is supporting action to reduce complexity, strengthen performance management, encourage innovation and raise ambition across all public services.

4.16 Specific actions are outlined within “Devolution, Democracy and Delivery: Improving public services for people in Wales” which have an impact on the co-ordination of action by authorities to achieve compliance with the public sector equality duty.

4.17 Actions which support the PSED include:

**Action 4 – “Improve the democratic leadership, diversity and governance of local authorities, to increase transparency and accountability and better connect authorities to their communities, including strengthening the way audit, inspection and regulation supports effective democratic scrutiny to ensure performance is improved”**.

4.18 The Welsh Government is committed to ensuring that Locally Elected Members are truly representative of the communities they serve. This will include following through the recommendations of the report of the Expert Group on Diversity in Local Government, who published their report in March 2014. A steering group and project coordinator have been appointed tasked with taking steps to improve the diversity of candidates at the 2017 local elections.

**Action 14 – “Strengthen leadership across public services through refocusing and strengthening collective governance of the Academi wales leadership centre, ensuring its programmes are used by all devolved public service organisations.”**

**Action 15 – “Explore options for strengthening the process for senior public sector appointments, including developing a common framework of principles and considering the potential role of a public sector appointments commission.”**

4.19 Proposals for developing these actions include (amongst others) considering national standards of leadership, talent development and management activity to improve performance – this provides a further vehicle for establishing greater clarity, understanding and consistency at senior level across the public sector to drive compliance of the equality duty.

**Action 16 – “Develop a set of values shared at all levels across all devolved public services”**.

4.20 Establishing a set of common values which would reflect the principles of equality and diversity will further assist in raising awareness and ensuring compliance with the public sector equality duty. It is vital all those working in public services – from the senior leadership
community to front line workers – share common values; so that those values underpin the way in which services are planned and delivered.

**Action 19 – “Develop a new relationship between people and public services including supporting co-production, recognising shared responsibility and establishing more preventative public services focused on outcomes and peoples needs”**.

4.21 The Social Services and Well-Being (Wales) Act introduces a duty on Local Authorities to promote social enterprise, co-operatives, the involvement of service users in the design and delivery of services and the availability of services from the Third Sector. The explanatory memorandum of the Well-being of Future Generations (Wales) Bill includes co-production as a positive approach to service delivery. The prudent healthcare agenda places great importance on preventative measures and on remodelling the relationship between user and provider based on co-production.

4.22 The Welsh Government will continue to show leadership in developing this agenda for change and is committed to working with our stakeholders and partners to take this programme forward. Enabling legislation is planned for introduction next year.

**Strengthening the Implementation of the Public Sector Equality Duty**

4.23 The Well-being of Future Generations (Wales) Bill and the Williams Commission provide the strategic context and actions for this chapter. However, as explained in Chapter 2 of this report both the NatCen review and the public sector and Third Sector identified a number of common challenges which affected the progress of the public sector in implementing the PSED and consequently provide the potential basis for future collaborative work across the public sector. These are outlined in more detail below.

**Call for Further Support**

4.24 The EHRC as regulator of the PSED undertakes monitoring of the Welsh specific equality duties across key public sector bodies on an annual basis and publishes a report at the end of each monitoring period.

4.25 The monitoring work assists in measuring the progress made by the public sector body, identifies any trends and helps to share effective practice across the public sector. The monitoring also provides assistance to Ministers in fulfilling their reporting requirements.

4.26 Welsh Ministers appreciate the EHRC’s monitoring work and will work with the EHRC to formalise the process. Ministers will meet the EHRC on an annual basis to agree the theme or specific duty for the year ahead for their sector based on any mutual concerns.

4.27 The EHRC will publish their report ‘Is Wales Fairer?’ in 2015, a follow up to ‘How Fair is Wales?’ published in 2011. This will provide the very latest analysis of the greatest equality challenges facing Wales and will support public authorities to set new equality objectives by 2016.
4.28 Throughout 2015 public authorities will need to review their existing equality objectives and improve alignment with wider strategic outcomes, such as the Well-being of Future Generations (Wales) Bill. Welsh Ministers will discuss with the EHRC how best to support public authorities in undertaking this work.

Data Collection and Reporting

Employment Data

4.29 The collection and reporting of employment data has been highlighted as a significant area of challenge for some public bodies. The requirements of the duty were seen as lengthy and prescriptive and certain elements were a challenge to collect, such as the requirement to publish training requests that were unsuccessful.

4.30 However, proportionate data collection and the publication of meaningful and high quality data can be valuable for public bodies to understand the make-up of their employees and the population they serve. The data collected and reported on should help public bodies to highlight inequality issues and target resources appropriately and to measure progress against equality objectives.

4.31 The quality of data that is currently collected by many public bodies is inconsistent, sometimes because new systems that are not yet fully established but also because of low reporting and disclosure rates on new protected characteristics in particular (sexual orientation, religion and belief, gender reassignment). This is understandable in the short time the duties have been in force.

4.32 It is too early to make any substantial changes to this duty. Welsh Ministers will work with the EHRC to review the PSED requirements on employee data collection and reporting in two years’ time. This would enable the duty to embed more thoroughly and allow consideration of whether the requirements are fully effective and whether any changes to the requirements need to be made.

Population and Service User Data

4.33 As above for the collection of employment data, the quality of data that is currently collected on population and service users is inconsistent, sometimes because new systems are not yet fully established and because of low reporting and disclosure rates on some protected characteristics in particular (sexual orientation, religion and belief, gender reassignment).

4.34 Welsh Ministers will learn from a scoping exercise currently being looked at to develop a more comprehensive profile of the protected characteristic groups of our healthcare service users. This will deliver on the commitment made in the Strategic Equality Plan and is critical to making informed decisions about the way in which we design and deliver services and make best use of valuable resources. Improving the data recorded and shared across primary and secondary health services on the needs of protected groups will provide a clearer idea of the patient pathway, improve patient safety and ensure an equitable service for all.
4.35 The EHRC suggest adopting the recommendations of the EHRC “Fair Financial Decision Making” which was produced in May 2012 as part of the assessment of HM Treasury’s 2010 Spending Review.

4.36 Welsh Government will consider if and how these recommendations can be taken forward to secure a more consistent and joined up approach to the collection and use of equality evidence to support decision making.

**Equality Impact Assessments (EIAs)**

4.37 There has been significant work to embed effective equality impact assessments (EIAs) across public sector organisations. Public sector bodies have reviewed and developed their processes to make them more user-friendly, more evidence-based and more proportionate.

4.38 There are many examples in this report where EIAs have worked well and have helped organisations to understand and respond to the views and needs of protected groups. This in turn has enabled service improvement and the avoidance of unnecessary costs.

4.39 Public sector bodies have acknowledged the application and quality of EIAs requires further embedding and improvement, and at times they can appear burdensome and result in a ‘tick box’ approach. Practical guidance would be welcomed on how to conduct a proportionate but meaningful assessment of impact on equality which mainstreams the consideration of equality impacts into policy-making.

4.40 The Well-being of Future Generations (Wales) Bill sets out principles ensuring a sustainable approach in policy making. We will explore with the EHRC how we can raise the awareness and embed a more robust and meaningful approach to impact assessments across the public sector.

**Engagement**

4.41 Engagement featured strongly in the evidence collected by NatCen which pointed to better outcomes for both protected groups and the public sector, when effective engagement was carried out, especially in assessing the impact of policies and decisions. Engagement was at its most effective and valuable when it was built into the whole decision-making process.

4.42 The public sector further recognises a move towards a co-productive approach has the potential to redefine engagement in terms of equal relationships and shared ownership. Involving citizens and protected groups in the designing of services and policies enables a move away from ‘one size fits all’ service delivery models and ensures that services are responsive to the needs of all citizens in Wales. The Third Sector cited the Framework for Action on Independent Living as a successful example of co-production.

4.43 The importance and value of working together with citizens in this way has been recognised in the Social Services and Well-being (Wales) Act 2014, the Well-Being of Future Generations (Wales) Bill and the response to the Williams Commission.
4.44 Welsh Government is currently giving consideration to how to promote further good practice in working with communities and people with protected characteristics. Welsh Government will continue to work with the Wales Council for Voluntary Action and the County Voluntary Councils to align their work in this area with the aims of Welsh Government as closely as possible.

**Diversity in Decision making**

4.45 The Welsh Government’s Programme for Government and Equality Objectives contain key actions to further its commitment to ensuring an increase in the number of women and under-represented groups in public appointments in Wales.

4.46 Welsh Ministers have written to Chairs of Public Sector bodies challenging them to take action to ensure that they have board members who reflect Welsh society. The Minister for Communities and Tackling Poverty will lead a seminar with Chairs in November and will continue to share progress and good practice across boards.

4.47 In addition, Welsh Government will work with the NHS Centre for Equality and Human Rights and Health Boards and Trusts to develop a pilot programme of training, development and support for people from under-represented groups to acquire the skills, experience and insights which would enable them to compete more effectively for future public appointment opportunities as and when they arise.

4.48 The report of the Expert Group on Diversity in Local Government made twenty-four recommendations for Welsh Government, Local Authorities, the Welsh Local Government Association, political parties and councillors themselves on improving diversity in local government at the 2017 local elections. Political parties have been urged to adopt the target of standing female candidates in at least 40% of winnable seats. A Diversity in Democracy Steering Group has been established to oversee the implementation of the Welsh Government’s action plan to address the report’s recommendations.

**Equal Pay**

4.49 Across the public sector, the Welsh specific equality duties have encouraged a focus on gender pay gaps. Public sector bodies felt they had made good progress in addressing these. However, the duty has provided a driver to consider underlying causes of pay differences and it is recognised, to achieve significant and sustained progress on equal pay the combined impact of factors such as occupational and working pattern segregation need to be tackled.

4.50 Welsh Government with European Social Fund (ESF) is supporting the Women Adding Value to the Economy (WAVE) project, a partnership of activity involving Cardiff University, the University of South Wales and The Women’s Workshop Project @BAWSO.

4.51 The aim of the Women Adding Value to the Economy project (WAVE) project is to understand and interrupt the ways in which gender pay inequalities are reproduced through occupational segregation in employment, through the ways in which women’s work is contracted and through the operation of pay systems.

³ Further details on WAVE can be found at www.wavewales.co.uk
4.52 Based on the ONS Annual Population survey, Cardiff University’s study ‘the Working Patterns in Wales Report’ published in March 2014 finds:

- Men hold nearly two-thirds (64%) of all the available full time jobs in Wales, while women hold four-fifths (80%) of all the available part time jobs in Wales.
- 43% of women in Wales work on a part time basis and this proportion has changed little since the 1970s.
- Hourly pay is generally higher in the occupations that men dominate, and this combined with lower pay for part time work in the occupations dominated by women (75% of women’s part time work in Wales is personal services, administration, sales and elementary level jobs) indicates that gendered structures of employment will continue to produce gender pay gaps.

4.53 The report identifies the combination of factors which sustain pay disparities by gender including:

- the uneven distribution of jobs between men and women in the public, private and voluntary sectors of the economy, and in different business areas (energy, transport, finance, etc);
- different employment contracts – permanent, temporary, fixed term, casual, and full or part time;
- the association of part-time work with low graded, low hours and low paid work, the lack of available part time work in higher graded jobs, and the growing casual workforce, most of whom are women;
- the low value attributed to traditionally ‘women’s work particularly in child care and older people’s care.

4.54 Cardiff University WAVE research team has worked with collaborating employers in Wales to analyse their workforce and pay data by this combination of factors and to act on the findings. The Welsh Government will share the results of this work which includes an equal pay analysis method with templates and guidance that all public sector employers could use to analyse, interpret and report their gender pay disparities as required by the equal pay duty.

**Conclusion**

4.55 At a time of global economic pressures, equality becomes more, not less, important. In these difficult economic times, with the effects of the UK Governments welfare reform and decreasing budgets continuing to impact across both the public and Third Sectors, it is essential to continue our commitment to equality, to build on the progress already made and work together to tackle the cause and effects of long standing and entrenched inequalities.

4.56 The Welsh specific equality duties have only been in force for a relatively short period of time. Nevertheless, there are many examples outlined in this report that demonstrate the positive outcomes the duties are making on the ground across the public sector.
4.57 Equality cannot be advanced in isolation by government alone. Welsh Government will continue to work in partnership across the public and Third Sectors in order to achieve our aim of creating a more equal society in Wales.

4.58 There are still challenges ahead as inequality is deeply entrenched over many generations. This report has identified what we are doing well and where there is room for improvement. As we continue to work together to further achieve progress on equality through the PSED the Welsh public sector will lead the way ensuring that equality is mainstreamed in all aspects of public life and that our decisions make a real difference to the citizens of Wales.