

# Business Plan 2016/17

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# Introduction

## From the CEO

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I am delighted to introduce the Equality and Human Rights Commission's Business Plan for 2016/17.

Our new Strategic Plan 2016-19, on which we conducted an extensive public consultation, sets out how we will deliver under our mandate, set by Parliament, to challenge discrimination, promote equality of opportunity, and protect and promote human rights.

In this Business Plan we outline the coming year's work programme in support of our four Strategic Aims, the outcomes we are aiming for and how we intend to achieve them.

All our main political parties put achieving greater equality and fairness at the heart of their agendas for the next five years following last year's General Election.

Whether it is the discussion about welfare changes and in-work poverty, devolution or our position in Europe, how we respond to the refugee crisis or the prospect of a British Bill of Rights, fairness, dignity and respect are probably the most hotly-debated issues in our society.

There may be differing and strongly-held views, but it is profoundly positive that the big conundrum for Britain is no longer **whether** we need a fairer society but **how** to deliver it.

We have a strong framework of laws to protect all of us from discrimination and defend our basic rights as human beings. We at the Commission are proud of our role to protect and enhance this framework.

We were delighted to hear in January that the United Nations has again rated the Commission as an A-status National Human Rights Institution. We continuously monitor the UK's performance against the international human rights obligations to which it is signatory.

Last Autumn we published 'Is Britain Fairer?', the most comprehensive review anywhere in the world of progress on equality and human rights. In a tight financial climate, the need for intelligent, evidence-based decision-making has never been greater. Our report provides a state-of-the-nation analysis as a basis for future work by the Commission and many other public bodies.

Our aim is to support, to encourage and, sometimes, to confront those best placed to secure improvements.

We in Britain are fortunate to live in a country which values fairness, dignity and respect. We still have further to travel but most businesses, politicians and members of the public understand that equality and human rights are essential to every individual's life chances, the well-being of society, and economic growth.

We look forward to playing an integral part in this national effort to make Britain fairer.



**Rebecca Hilsenrath**

# About the Commission

## Our vision

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We live in a country with a long history of upholding people's rights, valuing diversity and challenging intolerance. The Commission seeks to maintain and strengthen this heritage while identifying and tackling areas where there is still unfair discrimination, or where human rights are not being respected.

## Our role

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The Equality and Human Rights Commission ('the Commission') was established by Parliament under the Equality Act 2006 to help safeguard and enforce the laws that protect all our rights to fairness, dignity and respect. We use our unique powers to help make Britain a fair society in which everyone has an equal opportunity to fulfil their potential.

The Commission operates independently and aims to be an expert and authoritative organisation, reputed as a centre of excellence for evidence, analysis and legal expertise. We strive to be an essential point of contact for policymakers, businesses and public bodies.

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

1. A **catalyst for change**, enabling and encouraging improvement by bringing people together to devise solutions, and building capacity in other organisations to help them to effect change. Where appropriate, we use our statutory inquiry powers to explore systemic issues, gather evidence and develop possible solutions.
2. An **information provider**, helping people understand their rights and responsibilities and improve compliance with the law.
3. An **influencer**, using our legal expertise, research, insight and analysis to influence public policy and inform debates.

4. An **evaluator**, monitoring the effectiveness of the laws protecting people's rights to equality and human rights, and measuring progress in society.
5. An **enforcer**, using our strategic enforcement powers selectively to protect people against serious and systemic abuses of their rights and to clarify equality and human rights law, alongside our efforts help organisations to comply with equality and human rights standards.

As a United Nations (UN)-accredited National Human Rights Institution and a National Equality Body, we work with bodies in Scotland and Northern Ireland, across Europe and internationally to protect and promote equality and human rights.

Highlights of the work we delivered to fulfil our role during 2015/16 are at **Annex A**.

## Work programme for 2016/17

Our new Strategic Plan for 2016-19 sets out our four Strategic Aims. These will guide our work over the next three years.

### Strategic Aims for 2016-19

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1. **Significant impact** – to secure advances in equality and human rights in priority areas
2. **A strong evidence base** – to provide authoritative analysis and insight
3. **Sustainable infrastructure** – to ensure an effective and sustainable infrastructure to protect rights in practice
4. **Improved capability** – to be an expert, independent and authoritative national body.

On the following pages we set out the work we will do in 2016/17 in relation to each of our Strategic Aims, the objectives we have set ourselves and how we intend to achieve them. Some aspects of this work may be subject to approval by the Minister for Women and Equalities if part of our programme funding remains discretionary.

## Strategic Aim 1

### Significant impact: To secure advances in equality and human rights in priority areas

Our aim is to have a significant and systemic impact on society in relation to a range of equality and human rights issues. Our focus is on addressing infringement of rights, barriers to or regression in the enjoyment of rights, and unequal life chances. In designing our work programme we have sought to identify and address the specific issues and barriers facing people who share different protected characteristics.

Our Strategic Plan prioritised a number of areas for action. These are set out below, together with the work we plan to take forward in each in 2016/17. In some cases this will involve substantive work this year, while in others we will undertake scoping and initial research in preparation for focused activity in the second and third years of our Strategic Plan.

#### 1.1 **Improving access to justice and treatment in the criminal justice system**

Rights and legal protections are of no value unless people have access to justice when those rights are breached. Our recent literature review highlighted concerns that recent changes to legal aid, tribunal fees and the funding of the advice sector have reduced access to civil and family justice. In the criminal justice system there is disproportionate representation of certain groups and concerns about treatment of people in the system.

The focus of our work in this area in 2016/17 is on:

- **Access to civil and family justice**
  - We will continue to monitor the impact of changes and press Government to mitigate adverse effects on **access to justice for people in particularly vulnerable situations**. We will use our strategic litigation powers to challenge the legality of the new Employment Tribunal fee regime, which has led to a reduction in claimants pursuing discrimination-related complaints, and to highlight the impact on disabled and other vulnerable prisoners of recent legal aid



restrictions which deprive them of legal representation to challenge decisions about their conditions of imprisonment and opportunities for release.

- **Treatment in the criminal justice system**
  - We will develop new work to **improve the experiences of children and vulnerable people in the criminal justice system** and the provision of interpretation services, which can prevent effective participation in criminal trials. We will contribute to the Ministry of Justice review into the treatment of transgender people in prisons and the review of the Youth Justice Service.
  - We will also contribute to the review being led by David Lammy MP into racial bias and representation of people from **ethnic minorities in the criminal justice system** in England and Wales. We will continue to monitor police use of stop and search powers and to challenge excessive and disproportionate use.
  - In Scotland, we will examine the **experiences of people with learning disabilities** in the criminal justice system. Our aim is to understand the range of issues or disadvantage they face. This will help inform future approaches to effective interventions in this area.

## 1.2 **Promoting civic and political participation and freedom of expression, and safeguarding privacy**

Political decision-making has a direct impact on our lives and we all have a right to influence these decisions. This includes not only the right to vote but also to express our views in other ways, including joining others in protests and strikes. Our right to privacy allows us a private sphere, protected against interference by others. Public authorities need to balance the need to protect people through effective security measures with the need to protect individuals' rights to express themselves, associate with others and have a private life.

The focus of our work in this area in 2016/17 is on:

- **Political** representation and civic participation
  - We will continue to press for **more transparency** about the diversity of the people making up our legislatures, for implementation of the Equality Act 2010 requirement on political parties to report on the diversity of their election candidates, and for the Access to Elected Office Fund to be reopened and extended across Britain.

- We will work with the Electoral Commission to ensure that up-to-date guidance on how to promote **equality of opportunity and freedom of expression during election periods** is available for upcoming elections and the EU referendum.
- **Freedom of expression and freedom to associate in a trade union**
  - We will explore the potential for partnership working to address emerging concerns about **restrictions on freedom of expression in higher education institutions**.
  - We will continue to brief parliamentarians about our concerns that some clauses of the **Trade Union Bill** may not comply with the European Convention on Human Rights, including those imposing additional requirements for the supervision of picketing.
- **Anti-extremism and anti-terrorism legislation, and surveillance powers**
  - We will monitor developments in relation to **data privacy, surveillance and counter-extremism**, providing advice to the UK Parliament on the legislative proposals in the Investigatory Powers Bill and assessing the proposals in the forthcoming Extremism Bill.
  - We will deliver joint guidance for universities with the Equality Challenge Unit and other partners in England on how to implement **obligations under the Prevent Duty, the Public Sector Equality Duty and human rights legislation**.

### 1.3 **Addressing the right to an education in relation to attainment gaps, bullying and exclusion in schools**

Children have a human right to a broad education which is accessible, high quality and helps them achieve their potential. This is an essential basis for enjoyment of other rights, including participation in the labour market.

In 2016/17 we will begin to scope a major new project to deliver improvements for groups currently disadvantaged in relation to **educational attainment, identity-based bullying and exclusion from schools across Britain**.

This will provide the foundation for developing a strategic approach to tackling these issues in the future. It will build on our recent work in Scotland on the nature and

incidence of prejudice-based bullying and harassment in secondary schools, which has encouraged better reporting.

#### 1.4 **Promoting equality in routes into work, fair treatment at work and fair opportunities for progression**

Ensuring that people have the opportunity to participate to their full potential in the labour market means they can be financially autonomous and that business can make the best use of talent. Work is also an important aspect of personal fulfilment and fair conditions at work are a fundamental human right. Some groups are disproportionately out of work, concentrated in low-pay sectors, experience poor treatment at work or face barriers to progression.

The focus of our work in this area in 2016/17 is on:

- **Routes into work**
  - We will address **unlawful discrimination in recruitment** by publishing research on discriminatory recruitment practices that exclude some groups of workers, and by improving employers' knowledge of and compliance with the law in this area.
  - Building on the work we have undertaken in Scotland, we will bring the Skills Funding Agency and other partners together to explore innovative ways of **improving access to apprenticeships for under-represented groups.**
- **Treatment at work**
  - We will deliver a campaign to drive implementation of the recommendations of the research we undertook in 2015/16 to improve the experience at work of women who are **pregnant or returning to work after maternity leave.**
  - We will work with Acas to launch guidance and training materials to help businesses improve their knowledge about fair treatment at work of **employees and customers with a religion or belief or none.**
  - We will develop a new strategic approach to tackling **gender, disability and race pay gaps**, drawing on our new research identifying the factors that contribute to pay gaps and highlighting effective interventions. We will also support the implementation of the new requirement on companies with 250 or more employees to publish information about their gender pay gap.

- We will provide guidance on the forthcoming new duty on Scottish public bodies to report on **occupational segregation**.
- We will conclude our **investigation of the Metropolitan Police Service's** treatment of officers and staff who make complaints about discrimination. We will publish our findings on whether there have been unlawful acts in the treatment of complainants of sex, race or sexual orientation discrimination, and make recommendations for improvements in the handling of complaints.
- We will provide guidance, developed with the Financial Reporting Council, to help businesses apply the **UN Guiding Principles on Business and Human Rights**.
- **Progression to senior positions:**
  - Following our inquiry into the board appointment practices of FTSE 350 companies, we will promote lawful actions that companies and executive search firms can take to **improve the diversity of boards** through fair recruitment practices that secure appointments based on merit.
  - We will also work with the Scottish Government to improve access to public appointments, particularly the '50:50 by 2020' initiative.

## 1.5 **Promoting the right to equality of access to appropriate health and social care services and dignity of care**

Everyone has the right to the highest attainable standard of physical and mental health. Health and social care services should be accessible to all and provided with respect and without discrimination, including to those who have particular needs.

The focus of our work in this area in 2016/17 is on **access to services, availability of appropriate services, and dignity in care:**

- In 2016/17 we will begin to scope a major new project in England and Wales to **deliver improvements for groups currently disadvantaged** in relation to access to appropriate health and social care services dignity of care. We will work in partnership with a broad group of organisations in the health and social care sector to review the challenges of differential access and health outcomes in more detail, and to identify the priority areas for action for our future work programme. We will set out our expectations for the health and social care sector to deliver equality of access to services, secure the availability of appropriate services and ensure dignity

in care, and we will identify who is best placed to act in order to achieve measurable and sustainable improvements.

- We will continue to work with the Scottish Government and NHS Scotland to achieve measurable improvements in access to healthcare, focusing initially on **British Sign Language** and then extending this work to other areas of translation and language support.

## 1.6 Tackling prejudice and reducing identity-based violence

Everyone has the right to be free from cruel, inhuman or degrading treatment, and a right to dignity. Identity-based hostility, abuse and hate crime against people who share a protected characteristic is both a cause and consequence of inequality. The challenge is multi-faceted and includes addressing individual attitudes and societal values, as well as the response of the criminal justice system and other agencies.

The focus of our work in this area in 2016/17 is on:

- **Identity-based hostility, abuse and hate crime**
  - We will continue our work to improve the response of the criminal justice and related agencies in **preventing and tackling hate crime** by helping to develop a more integrated approach across the criminal justice system. By working together, agencies can avoid duplication of effort and use their powers more effectively. We will work with relevant inspectorates and regulators to explore the scope for a joined-up approach to performance improvement targets to help drive progress.
  - We will also review and report on the progress made by public bodies towards implementing the recommendations of our inquiry into **disability-related harassment** in Britain, and continue our work with a number of public bodies to improve their approach to preventing and responding to disability-related harassment.
- **Stereotyped media reporting:** We will seek to build our understanding of the factors contributing to environments in which **open expressions of prejudice** against particular groups increase, how this impacts on people's life chances and what interventions are effective in influencing public discourse.

## 1.7 Liberty and freedom from harm

We have a right to be free from cruel, inhuman and degrading treatment, and to be protected when in care or detention. There is evidence that more needs to be done to safeguard people in the most vulnerable positions in our society, as illustrated by our inquiry into deaths of adults with mental health conditions in detention.

The focus of our work in this area in 2016/17 is on:

- **Inappropriate use of restraint:** We will begin to scope a programme of work on delivering improvements in relation to the inappropriate use of **restraint in various settings**, building on the findings of our inquiry.
- **Immigration detention:** People should only be deprived of their liberty in strictly defined circumstances. The UK is the only country in the European Union without a time limit on immigration detention. We will continue to press for a **28-day limit on immigration detention** and adequate safeguards for the human rights of all immigrants, refugees and asylum seekers to be included in the Immigration Bill and its subsequent implementation.

## 1.8 Standard of living and personal autonomy

Everyone has a right to an adequate standard of living, including a minimum entitlement to food, clothing and housing. It is not clear whether the Government's reforms to tax, welfare and public spending have taken into account the cumulative impact of these changes on the standard of living of disabled people and other groups who may have been disproportionately affected .

The focus of our work in this area in 2016/17 is on:

- **Welfare reform, independent living and poverty**
  - We will commission an **assessment** to determine how changes to the welfare system have affected equality of opportunity and the human rights of people who share certain protected characteristics. This will enable us to identify whether the system effectively supports all groups into work and where improvements are needed to address unintended consequences.
  - In an intervention at the Supreme Court, we will submit that the decision to remove the **spare room subsidy** does not comply with equality and human

rights law in the light of the severe impact on disabled people who require an additional room for carers and equipment.

- **Integration of refugees and migrants**
  - We will explore how best the Commission can contribute to protecting and promoting the **human rights of refugees**. This is likely to focus on assessing the responses of public authorities to refugees arriving in the UK and improving understanding of relevant rights and obligations.
  - We will use our strategic litigation powers in England and Scotland to challenge the **reduction in weekly payments to asylum seekers** to meet the needs of their children.
- **The right to a home**
  - We will launch a new **inquiry examining housing options for disabled people**, including those with learning disabilities. Our inquiry will gather evidence and assess the provision and choice of housing for disabled people and its impact on independent living, and seek to identify innovative approaches to providing a choice of housing to enable independent living.
- **Transport**
  - We will continue to press for changes to secure **disabled people's access** to bus and rail services, taxis, and right to fair treatment when travelling by air, using our strategic litigation powers where appropriate to clarify rights and obligations.
  - In the Supreme Court we are supporting a case to improve **accessibility of buses** to wheelchair users, arguing that they should be given priority access to the wheelchair space.

## Strategic Aim 2

### A strong evidence base: A strong evidence base to provide authoritative analysis and insight

One of our core roles is to use research, analysis and insight to shed light on the challenges to equality and human rights in Britain. Under the Equality Act 2006 we have a statutory duty to monitor societal progress in relation to equality and human rights in Britain.

We will continue to develop our research and intelligence function, building on our reputation as a ‘centre of excellence’ through providing a robust evidence base on the equality and human rights issues people face in their everyday lives. This will inform our decisions on where, when and how we intervene and help influence developments in legislation, policy and practice that are relevant to our mandate.

We will also invest in our capability to assess and evaluate the effectiveness, impact and value of our work.

#### 2.1 Strengthening our evidence base

To assess progress towards equal life chances and enjoyment of human rights in Britain, our report ‘Is Britain Fairer?’ drew on a range of indicators from four separate measurement frameworks on equality, human rights, children and good relations.

In 2016/17 we will review our measurement frameworks and begin to develop **a single comprehensive measurement framework** that is effective and sustainable. We want this to improve our ability to examine progress for people sharing more than one protected characteristic and enable us to do more to predict future trends and challenges.

In preparing ‘Is Britain Fairer?’ we identified shortcomings in some of the data on equality and human rights, including data gaps and ‘invisible groups’. We will work with others including Governments and the Office for National Statistics to consider how best **to address these shortcomings and strengthen our ability to assess how fair society is**. This will include considering how data might be disaggregated at a national



and regional level to allow for more detailed analysis, and how to obtain robust data on less visible groups, such as transgender people.

## 2.2 **Developing levers for change**

In 2015/16 we began a two-year project to **improve our understanding of the levers that are effective in reducing discrimination and identity-based violence**. Our research focused on understanding how prejudiced attitudes and individual and societal values relate to unlawful behaviours, and how far regulating behaviour can engender changes in attitudes. In 2016/17 we will use this research to help us pilot and evaluate the effectiveness of different interventions in preventing and responding to unlawful discrimination, hostility and identity-based violence, so that we can begin to draw conclusions about what works.

## Strategic Aim 3

# Sustainable infrastructure: An effective and sustainable infrastructure to protect rights in practice

### 3.1 Protecting and promoting human rights

In response to the UK Government's intention to introduce a **British Bill of Rights**, we have made clear our position that any changes to the current legal framework should not reduce the protections contained in the Human Rights Act 1998, nor weaken access to redress for breaches of human rights. We will consider the detail of the Government's proposals when they are published, discuss and consult with a range of interested people and organisations, and provide advice and analysis to help inform public debate.

We will continue our work on **human rights education and promotion** to raise the level of public understanding of what human rights are and why they are important, and to promote a more positive public discourse on human rights.

### 3.2 Equality and human rights disputes

Legal rights without access to justice when they are breached are worthless. Recent changes to courts, tribunal fees and legal aid in England and Wales, together with a reduction in the funding of the advice sector, have led to concerns that there are increased barriers to access to justice.

In 2016/17:

- We will begin a new programme to explore options for how the Commission could play a greater role in ensuring **access to justice in respect of equality or human rights complaints** across Britain. In developing the options we will engage with governments, representatives of the legal profession, voluntary advice services, parliamentarians and civil society organisations.
- We will also seek to influence the future function and operation of the **Equality Advisory and Support Service** as a new contract is negotiated in 2016. Our aim

is to ensure good quality advice is available and secure a pipeline of potential strategic legal cases to the Commission.

- We will continue our work to increase the voluntary advice sector's **capacity and expertise in relation to equality and human rights law** so it is better able to advise clients. We will undertake research to scope the needs of this sector and develop proposals for a package of support.

### 3.3 An effective legal framework

As part of our role as a National Human Rights Institution and National Equality Body, we advise governments on equality and human rights issues, respond to important consultations, brief parliamentarians on relevant Bills and engage with parliamentary committees to help ensure legislation promotes and protects human rights and its implications are understood. We keep the effectiveness of the law on equality and human rights under review.

In 2016/17:

- We will continue to press for **full implementation of the Equality Act 2010** protections for which Parliament has legislated and consider, in light of the Women and Equalities Committee's recent inquiry, whether protection from discrimination and harassment for **transgender and non-binary people** is adequate.
- We will also publish the results of our recent review on the effectiveness and adequacy of the **legal framework in relation to religion or belief** and make recommendations to the UK Government.
- We want to ensure that **changes to the devolution settlement** made through the Scotland Act 2016 and the Wales Bill continue to protect and promote human rights coherently across Britain. In considering and providing advice to governments and Parliament on proposed changes to the devolution settlement our guiding principles are that they should:
  - maintain and – where possible – enhance the protection of equality and human rights across the UK, and
  - provide for coherent and workable frameworks of legal and administrative responsibilities and accountabilities between bodies within Scotland, and between Scotland and the rest of the UK.

- We will continue to support or take cases or intervene in proceedings which offer the opportunity to **clarify the law, prevent or address significant breaches of equality or human rights law**, in accordance with our strategic litigation policy. We will give particular consideration to cases which advance the priority areas for action identified under Strategic Aim 1.

### 3.4 The Public Sector Equality Duty

We will strengthen our approach to **promoting the effective implementation of and compliance with the Public Sector Equality Duty** across three nations to ensure it is an effective lever to tackle persistent disadvantage.

In 2016/17:

- We will provide expert advice to the UK Government's **review of the Public Sector Equality Duty** to help ensure the Duty reaches its full potential as a mechanism to engage the public sector in tackling inequality and disadvantage.
- We will begin a concerted programme of engagement with government departments and public bodies in relevant sectors to encourage them to shape policies and develop targeted initiatives, desired outcomes and objectives to **address the key equality challenges identified in 'Is Britain Fairer?'** and other evidence. We will produce more accessible, simple, easy-to-use tools to help public bodies use the Public Sector Equality Duty more effectively.
- We will strengthen our relationship with other regulators, inspectorates and ombudsmen, supporting them to **embed equality and human rights into their accountability frameworks** in order to strengthen leverage with public services.
- In Scotland we will complete the fifth of our 'Measuring Up?' reviews of how well the reporting requirements of the Scotland Specific Duties have been met with our report of Scottish Ministers' progress in meeting their specific duty. We will extend the reviews to include public bodies reporting for the first time in 2016, such as Regional College Boards, and begin to consider the **effectiveness of the Scottish specific duties in achieving equality outcomes**.

### 3.5 **Fulfilling our role as an National Human Rights Institution and Equality Body**

In fulfilling our role as an ‘A’ status National Human Rights Institution, we report to the United Nations on the performance of the UK Government and devolved governments against international human rights treaties, and press for action on the United Nations recommendations.

In 2016/17 our programme of work will include:

- **Reporting to the United Nations** on the Convention on the Rights of the Child, the International Convention on Economic, Social and Cultural Rights, the Convention on the Elimination of Racial Discrimination and the Convention on the Rights of Persons with Disabilities
- Reporting to the United Nations Human Rights Council’s Universal Periodic Review of the UK, and
- **Participating in examinations** of the UK’s compliance with treaties covering: children’s rights; economic, social and cultural rights; civic and political rights; and the Convention on the Elimination on Racial Discrimination. We will also engage with pre-sessional working groups on the Convention Against Torture and the Convention on the Rights of Persons with Disabilities.
- We will also work with the **voluntary and community sector** to support it to engage and contribute to the Universal Periodic Review and United Nations treaty monitoring processes, and to hold the UK and devolved governments to account. In 2016/17 this will include funding civil society to produce its own shadow reports on: the Convention on the Rights of the Child through the Children’s Rights Alliance of England; the International Convention on Economic, Social and Cultural Rights through JustFair; and the Convention on the Elimination of Racial Discrimination through the Runnymede Trust.
- We will fulfil our responsibilities as a member of the **UK Independent Mechanism for the Convention on the Rights of Persons with Disabilities** by ensuring effective engagement of disabled people and their organisations in the UK examination.
- One of our core functions as a National Human Rights Institution is to promote the harmonisation of domestic laws, policies and practice with **international human**

**rights standards.** We will follow up the recommendations of the United Nations treaty committees advocating for their implementation.

- We also work in partnership with the Scottish and Northern Ireland Human Rights Commissions and **cooperate internationally** to ensure that the importance of human rights is well understood. In Scotland this includes our ongoing contribution to the Scottish National Action Plan on Human Rights.
- We also **work in partnership with other National Equality Bodies** to support clarity and effectiveness in European law and policy on equality. We will continue to engage productively with partners in Europe and internationally, and to attend and chair a number of working groups in order to share learning and strengthen Britain's standing in the international arena. This includes the Legal Working Group and the Convention on the Rights of Persons with Disabilities Working Group of the European Network of National Human Rights Institutions.
- We will continue to seek to improve our **accountability to the three Parliaments.**

## Strategic Aim 4

# Improved capability: An expert, independent and authoritative national body

### 4.1 Investing in our people

We have a track record of delivering work that makes a difference to society as a whole and to individuals' lives. But the external landscape is changing. In order for us to deliver consistent impact and be the modern public service organisation that we need to be to deliver our vision, we need to change and develop with it. We must challenge ourselves and ensure that we are as effective as we can be to deliver our new Strategic Plan. To do this requires enhancing our culture, ensuring that our organisation is one where we recruit, develop, reward, recognise and retain the best people with the right skills and expertise to perform our role effectively.

With that in mind, we have developed a 'Great Place Plan', setting out the actions we will take to bring about that transformation. It is built on our core values of fairness, dignity and respect, and focuses on three key areas:

- **making sure all our people feel valued and supported every day through their career at the Commission**
- **building the necessary capability, capacity, expertise and relationships to deliver our work, and**
- **ensuring our governance and processes reflect those of an exemplary public service organisation.**

The Great Place Plan sets out detailed actions for the period 2015 to 2018. This includes the development and implementation of a new target operating model in 2016/17. This will enable us to effectively deliver our new strategy with the right structure, people and processes in place to support it. It will focus on making the Commission a great place to work, increasing our flexibility and responsiveness, and ensuring the best possible environment for delivering high-impact work effectively and efficiently.

## 4.2 Investing in our communications

In 2016/17 we will continue to implement our communications strategy to ensure that we successfully **promote our work and generate the maximum impact from it**. Our objectives are to inform the public, employers and service providers about their rights and obligations under equality and human rights laws, as well as engaging and shaping the national debate on equality and human rights. This will involve increasing our digital and social media reach.

We are refreshing our **website**, which will significantly improve the user experience and make it easier to find accurate and relevant information quickly. Each year we attract nearly two million visitors who come to our site for guidance and expert information.

In 2016/17 we will continue to make further changes so that our website is recognised as the authoritative site for information and guidance on equality and human rights.

We will also continue our work to use the latest thinking on behavioural insights to deliver engagement that creates **attitudinal and behaviour change** among employers to address the barriers that hold women back in the workplace.

Our communications function will continue to adopt best practice in Government communications, including adopting the Government modern communications operating model and using the evaluation framework to show the value and impact of our work.



## The work of our Statutory Committees

The Commission has three statutory decision-making committees: for Disability; Scotland; and Wales. As well as informing the development of the Commission's Business Plan overall, these committees also have their own work programmes.

### The Disability Committee

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The Disability Committee provides expert advice to the Board of Commissioners on disability-related aspects of all the Commission's work.

The Disability Committee has decided to prioritise the following issues over the three-year period of our Strategic Plan:

- Disability and finance
- Encouraging fair recruitment, development and reward in employment
- Social isolation
- Disabled parents
- 'A home of our own'
- The use of restraint and coercion.

A number of these priorities are reflected in the work the Commission is taking forward this year under Strategic Aim 1, for example our work to promote equality in routes into work, fair treatment at work and fair opportunities for progression, and our new inquiry examining housing options for disabled people and the impact on independent living. Alongside ensuring disability issues are properly reflected in these and other areas of work, the Committee will focus in 2016/17 on strengthening the evidence base for the key issues affecting disabled people, building on 'Is Britain Fairer?', on identifying the main challenges under each of its priorities and on determining how the Committee can have most impact.

In delivering its priorities, the Committee will continue to increase its engagement with disabled people and their organisations, as well as key decision-makers in governments and business.

Following the 2012/13 review of the Disability Committee, it will cease to be a statutory committee on 31 March 2017. A key element of the work programme this year will be to manage the transition to a new arrangement effectively.

## **The Scotland Committee**

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The Scotland Committee is responsible for the Commission's work to provide information, advice and guidance and to conduct research in Scotland, and for advising the Scottish Government about the effect of Scottish legislation. The Committee also advises on the impact of the Commission's wider work in Scotland, through consultation by the Board of Commissioners on matters affecting people there, and through advice and support to the Scotland Directorate. In the coming year, the Scotland Committee members will continue their programme of engagement around Scotland and will:

- advise the Board of Commissioners, the Scottish Government, Scottish Parliament and MSPs, including informing the legislative programme and proposals for constitutional change, and providing input into the development of the new social security powers in the Scotland Act
- decide on research to be conducted in Scotland to fill the data gaps identified by 'Is Scotland Fairer?' in relation to Islamophobia, anti-Semitism, Roma and Gypsy/Travellers
- hold a series of roundtable meetings with key stakeholders to agree action on priority issues arising from 'Is Scotland Fairer?' data, for example on educational attainment, Gypsy/Travellers, disabled pupils and care leavers, and
- lead work to transfer expertise in equality and human rights law through interactive workshops and training for advisors, solicitors and voluntary sector organisations to improve their knowledge and ability to provide good quality advice.

## **The Wales Committee**

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The Wales Committee is responsible for the Commission's work to provide information, advice and guidance and conduct research in Wales, and for advising the Welsh Government about the effect of legislation affecting only Wales. The Committee also advises on the impact of the Commission's wider work in Wales through consultation by the Board of Commissioners on

matters affecting people in Wales and through advice and support to the Wales Directorate. In the coming year, the Wales Committee will:

- provide advice to the Board of Commissioners, the Welsh Government, National Assembly Committees, Assembly Members and others, including informing the Wales Bill and engaging with the new Future Generations Commissioner to shape the equality and human rights agenda in Wales
- promote ‘Is Wales Fairer?’ and other evidence to empower the voluntary and community sector and the public to hold the Welsh Government to account, and influence decisions and policy making across the public sector
- engage with public bodies and the voluntary and community sector in Wales to ensure the Public Sector Equality Duty drives improvements in public sector employment and service delivery, and facilitate the sharing of effective equality and human rights practice through the Equality and Human Rights Exchange
- increase access to equality and human rights advice and redress through delivering Identifying and Tackling Discrimination in the Workplace courses in North and South Wales for first line advisers. Scope the scale of the problem in accessing justice in Wales and exploring the human rights implications, with a view to offering advice to the Welsh Government and others on how the position could be improved.
- improve Welsh workplaces by working with employers and others to: encourage effective equality and human rights practice; tackle inequality, discrimination and human rights abuses; and increase employment opportunities for Muslim people.

## Our organisation and resources

### Budget and resource allocation

The Commission's total indicative core funding for 2016/17 is £17.1m, comprising resource funding of £16.75m (£14.73m administration, £1.4m programme and £0.62m depreciation) and capital funding of £0.39m.

There is also provision for access to additional discretionary programme funding of £5.1m for wider equality and human rights priorities, subject to agreement of proposals by the Minister for Women and Equalities, providing that value for money is demonstrated.

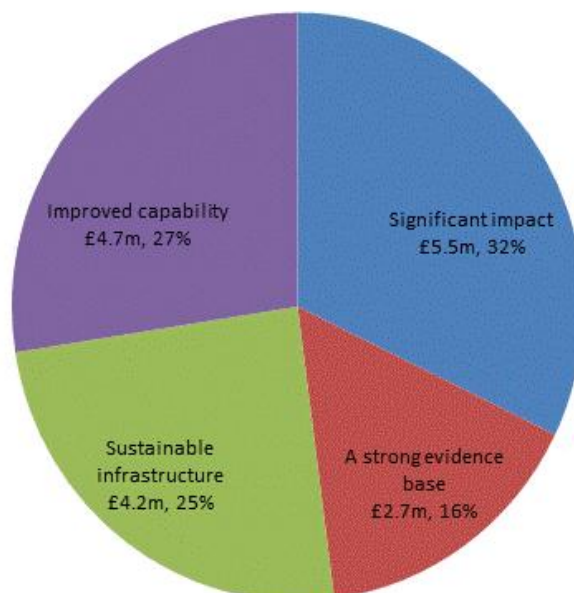
We will continue to reduce our costs while delivering our programme of work and services. Figure 1 below sets out the Commission's indicative budget allocation and Figure 2 shows the resource allocation across the key areas of work.

**Figure 1 2016/17 Equality and Human Rights Commission indicative budget allocation**

	2015/16 budget out-turn total (£,000)	2016/17 budget total (£,000)
Administration	14,727	14,727
Programme core	1,400	1,400
Depreciation	620	620
<b>Resource</b>	16,747	16,747
<b>Capital</b>	387	387
<b>Total resource DEL</b>	<b>17,134</b>	17,134
Programme discretionary	6,493	<b>5,079</b>

Note: DEL = Departmental Expenditure Limit

**Figure 2** 2016/17 Resource allocation by Strategic Aim



## Delivering value for money

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We aim to carry out all of our work efficiently. In common with other public bodies, our budget for the period 2016-20 has been reduced as part of the UK Government's Comprehensive Spending Review carried out in Autumn 2015. We will continue to ensure we are delivering work with real impact and to manage our organisation effectively using available resources.

In 2016/17 we will continue to deliver changes to the way we work to improve our capability and effectiveness, in line with our Great Place Plan. We will review our accommodation to seek further efficiency savings.

## Our governance and risk management

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The Commission's Governance Framework sets out the roles and responsibilities of the Board of Commissioners, Committees and the Executive Leadership Team, and our approach to good governance.

The Commission is led by a Board of Commissioners, which sets our strategic direction and takes key decisions. The Board is responsible for approving the Strategic and Business Plans, monitoring our performance against Plans and ensuring that we have appropriate systems of governance, accountability and control.

The Commission's three statutory decision-making committees inform the development of the Commission's Strategic and Business Plans, and each have their own work programme. The Board is also supported by two advisory committees – the Audit and Risk Assurance Committee, and the Human Resources and Remuneration Committee.

The Executive Leadership Team, led by the Chief Executive, is responsible for developing and delivering the Business Plan in support of the Commission's statutory duties and Strategic Aims. It provides leadership, sets work priorities, monitors performance and manages risk, thereby enabling the Board to discharge its responsibilities.

Our risk management framework, policy and associated guidance provide a robust system of managing risk which is embedded across all our working practices. Our strategic risk register is underpinned by operational risk registers covering key areas of work, which are reviewed monthly by the Executive Leadership Team and reported to the Audit and Risk Assurance Committee.

## Equality objectives

Like other public bodies, the Commission must meet the requirements of the Public Sector Equality Duty. We have therefore identified and set equality objectives relating to all the work we do, our employment practices and our ways of working.

Each year we collate and analyse a range of equality information which helps us to identify and understand potential key issues across our functions. This is the basis on which we set our equality objectives.

We have also identified three priority areas under which we will set specific equality objectives for our role as an employer, how we deliver services and how we procure goods and services.

These are:

- fostering an accessible and inclusive working environment for all our staff
- ensuring that our services are accessible and that users' experiences and outcomes are positive, and
- promoting equality within our supply chain, supporting our suppliers to embed equality and diversity practices within their own organisations and working practices.
- Our equality objectives for each of these priority areas are published separately in 'Our equality objectives'.

## Measuring success

Performance management and reporting is central to the successful delivery of our Business Plan and ensuring that our work represents value for money. The measures against which we will judge our progress and success are set out in the separate Success Measures Annex published alongside this Business Plan.



## Annex A

### Last year's delivery highlights

During 2015/16 we continued to build on the effectiveness and confidence of our organisation, delivering high-impact work to improve people's lives. A major achievement was the publication in October 2015 of **'Is Britain Fairer?', the most comprehensive review of progress on equality and human rights in Britain**. Since then we have published three further in-depth national reports, 'Is England Fairer?', 'Is Scotland Fairer?' and 'Is Wales Fairer?'

We highlight some of our other successes below.

#### Fairness and equality of opportunity

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To promote fairness and equality of opportunity in Great Britain's future economy, we:

- launched a campaign to tackle **pregnancy and maternity discrimination** and disadvantage in the workplace, drawing on the findings of the first comprehensive study for nine years on the scale and nature of the challenges facing pregnant women and new mothers in Britain. This was conducted jointly with the Department for Business, Innovation and Skills
- completed our landmark inquiry revealing how better recruitment practices could improve diversity on the **boards of FTSE 350 companies**
- gathered evidence in our **investigation into the Metropolitan Police Service's** treatment of officers and staff who make complaints about discrimination
- launched 'Thinking outside the box', a guide for people working in the television broadcasting sector to increase the **diversity of talent** both on- and off-screen, and
- published a review of equality and human rights law relating to **religion or belief**, to inform our forthcoming report on the effectiveness of the legal framework.

## Fair access to public services, and autonomy and dignity in service delivery

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To promote fair access to public services, and autonomy and dignity in service delivery, we:

- completed our two-year **Sports Inclusion Programme**, which invested £760,000 to increase the participation of women, girls and people from ethnic minorities in rugby through Premiership Rugby Limited. We published a report with Sport Scotland setting out clear recommendations on how to improve equality, inclusion and participation in Scottish sport
- completed a two-year programme to improve compliance with **equality and human rights obligations in health and social care**, supporting delivery of online resources for the sector, and working with the CQC Academy to train inspectors and embed equality and human rights across its curriculum, and
- examined how recent changes to legal aid, tribunal fees and funding of the advice sector have affected the **right to a fair trial** and **access to civil justice** in England and Wales, highlighting particular concerns about the impact on disabled people, women and people from ethnic minorities.

## Dignity and respect, and keeping people safe

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To promote dignity and respect, and contribute to keeping people safe, we:

- completed our two-year programme to improve reporting of and responses to **lesbian, gay, bisexual and transgender hate crime**
- published a follow-up report into **deaths in detention** of hundreds of adults with mental health conditions, and
- developed a new training programme on **stop and search** for police officers in England, with a focus on avoiding excessive and disproportionate use against ethnic minorities, in partnership with the College of Policing.

In addition, we:

- published reports on the UK's performance in complying with **human rights treaties** covering economic, social and cultural rights, civil and political rights, children's rights and on the elimination of discrimination against women– influencing the recommendations that the United Nations committees make to Government

- supported or intervened in **landmark legal cases** on issues affecting some of the most disadvantaged in our society, including disabled people and Gypsy and Traveller communities, and on breaches of human rights
- **advised the UK Parliament** on equality and human rights issues through our briefings on the Scotland Bill, Welfare Reform and Work Bill, Immigration Bill, Trade Union Bill and Enterprise Bill
- designed our **new user-friendly website**, which receives in excess of two million visitors each year, ready for launch in early 2016, and **improved our social media reach** by over 25 per cent with a total Twitter following in excess of 17,000, and
- continued to strengthen our financial controls and reporting, demonstrated by our fifth consecutive **clean audit opinion** from the National Audit Office, and to drive further **efficiency savings**.

## Annex B

### Our Commissioners

Our Commissioners (at 1 April 2016) are:

- Caroline Waters OBE (Interim Chair)
- Sarah Veale CBE (Interim Deputy Chair)
- Ann Beynon OBE (Wales Commissioner)
- Lord (Chris) Holmes MBE (Disability Commissioner)
- Professor Lesley Sawers (Scotland Commissioner)
- Evelyn Asante-Mensah OBE
- Laura Carstensen
- Susan Johnson OBE
- Lorna McGregor
- Professor Swaran Singh

The term of appointment of the former Chair, Baroness (Onora) O'Neill, expired on 31 March 2016.

The Secretary of State has put forward David Isaac CBE as her preferred candidate for Chair and he attended a pre-appointment hearing of the Joint Committee on Human Rights and the Women and Equalities Committee on 23 March 2016. The Secretary of State has appointed Deputy Chair Caroline Waters to serve as Interim Chair, and Sarah Veale to serve as Interim Deputy Chair, until the new Chair takes up appointment.

The term of appointment of the former Scotland Commissioner, Kaliani Lyle, expired on 28 March 2016 and the new Scotland Commissioner, Lesley Sawers, was appointed on 29 March 2016.

The Secretary of State has extended the appointment of Wales Commissioner Ann Beynon until such time as her successor is appointed.

Rebecca Hilsenrath took up the role of Chief Executive and a Commissioner ex officio in November 2015, subject to a recommendation to the Secretary of State by the new Chair

when in post, following a period as Acting Chief Executive on the departure of Mark Hammond in August 2015. The Commissioners and Rebecca are supported by an Executive Leadership Team who lead and manage delivery of our work.

## Annex C

### Our duties and powers

The Commission has a set of unique duties and powers under the Equality Act 2006 to help us fulfil our mandate. We have specific responsibilities and requirements under the UN Paris Principles and the European Union Equality Directives to ensure we maintain our status as a National Human Rights Institution and European National Equality Body.

#### **General duty**

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Under the Equality Act 2006, the Commission's general duty is to exercise its functions with a view to encouraging and supporting the development of a society in which: people's ability to achieve their potential is not limited by prejudice or discrimination; there is respect for and protection of each individual's human rights; there is respect for the dignity and worth of each individual; each individual has an equal opportunity to participate in society and there is mutual respect between groups based on understanding and valuing diversity, and on shared respect for equality and human rights.

#### **Equality and diversity**

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The Commission is also under a duty to: promote understanding of the importance of equality and diversity; encourage good practice in relation to equality and diversity; promote equality of opportunity; promote awareness and understanding of rights under the Equality Act 2010; enforce the Equality Act 2010; and work towards the elimination of unlawful discrimination and harassment.

#### **Human rights**

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As a National Human Rights Institution we must: promote understanding of the importance of human rights through teaching, research and public awareness and educational

programmes; promote awareness, understanding and protection of human rights and efforts to combat discrimination, especially through use of media channels; make recommendations to Government, Parliament and other competent bodies on existing and proposed laws and processes that will impact on human rights; promote the harmonisation of national law, policy and practice with international human rights law and standards; encourage public bodies to comply fully with the Human Rights Act 1998, which incorporates the European Convention on Human Rights into national law; and cooperate with the UN and other bodies dedicated to promoting and protecting human rights, including by monitoring and reporting on Great Britain's compliance with the core conventions.

## Contacts

This publication and related equality and human rights resources are available from the Commission's website: **[www.equalityhumanrights.com](http://www.equalityhumanrights.com)**.

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

Website [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

Telephone 0808 800 0082

Textphone 0808 800 0084

Hours 09:00 to 20:00 (Monday to Friday)

10:00 to 14:00 (Saturday)

Post FREEPOST Equality Advisory Support Service FPN4431

Questions and comments regarding this publication may be addressed to: **[correspondence@equalityhumanrights.com](mailto:correspondence@equalityhumanrights.com)**. The Commission welcomes your feedback.

### Alternative formats

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