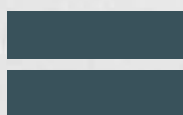


# Two years making changes



**Equality and  
Human Rights  
Commission**

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This record of our first  
**two years** sets out how  
we have delivered  
**concrete benefits** for  
the British public across  
different spheres of life:  
at **work**, at **home**, in our  
**neighbourhoods** and our  
interactions with others.

# Introduction

The work of the Equality and Human Rights Commission touches the lives of all 60 million people in Britain. Whether at work, at home, in our neighbourhoods or in our personal lives, fairness matters to everyone.

This record of our first two years sets out how we have delivered concrete benefits for the British public across different spheres of life. Among many other achievements, it shows how we have won new rights for carers, disabled people and military personnel through intervening in legal cases; how we have pushed the national debate forward on important areas such as parental leave and racism in the police; how we have used our enforcement powers to tackle the lack of services for victims of domestic abuse; and how we have funded hundreds of grassroots organisations who deliver essential frontline services to the most marginalised.

We all have an interest in creating an equal society in which human rights are respected. We all want to be treated with

dignity. We all want to have effective laws that ensure nobody is unfairly disadvantaged. We all want a dynamic, efficient economy that uses everyone's skills to the full.

## Who we are

The Commission is a statutory body set up to protect, enforce and promote equality across seven areas: age, disability, gender, race, religion and belief, sexual orientation and gender reassignment. We are also charged with protecting human rights, and promoting good relations in society. We are a non-departmental public body, funded by the taxpayer.

When we started work in October 2007, our task was to build upon the achievements of three 'legacy' commissions: the Equal Opportunities Commission, the Commission for Racial Equality, and the Disability Rights Commission. We have a range of levers and tools to bring about real change in people's lives. We decide how best to do so on the basis of evidence and intelligence.

We have extensive legal powers, including powers to conduct formal investigations, to take judicial reviews, and to assess how effectively public bodies are upholding the equality duties. In addition, we are charged with promoting and enforcing the Human Rights Act. We also seek to influence policy and use our power of our voice to make the case for change.

### **The challenges ahead**

Over the next year and beyond the equality landscape is set to change dramatically. This autumn, parliament votes on a new equality bill, which will bring together and build upon existing equality legislation. It addresses both multiple discrimination and the underlying causes of much disadvantage: poverty and absence of aspiration. The Commission has worked hard to shape the bill, and we believe it will give us a sound legal basis on which to tackle the deep-rooted structural causes of inequality.

However just passing legislation, even if it is properly enforced, won't deliver the fundamental change that Britain needs, particularly on the difficult path from recession to recovery. We also need a thorough transformation in attitudes. We will be central to that transformation, by acting as a tough, independent modern regulator, using persuasion where we can, and compulsion where we must.

Our aim is to propel equality from the margins to the mainstream. This is an ambitious goal and there is still much work to do. As you will read here, we have made some remarkable progress in our first two years – we look forward to the challenges of the next two with optimism and determination.

# Two years at a glance



**50,563**

answered by  
our helpline in  
2008–2009



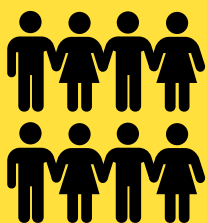
**10 million**

distributed through  
our grants programme  
to 285 different groups  
delivering frontline  
services across  
the country



**35,000**

people received  
Equality News,  
our monthly  
e-bulletin



**2,000**

young people have  
participated in the  
Commission's  
youth programmes



**136,000**

small and medium-sized  
businesses received our  
guidance on managing  
equality obligations  
during the downturn



**150,000**

Over **150,000** members of the British armed forces are now protected by the Human Rights Act while serving overseas as a result of our support for a key legal case

**3**

formal inquiries undertaken, into race in the construction industry, the meat and poultry processing sector, and sex discrimination in the finance sector

**3,000**

individuals and organisations consulted as part of our groundbreaking Human Rights Inquiry

**3,500**

stakeholders from across the country have been regularly involved in our work



**More than**

**70**

research, policy and inquiry reports published

**More than**

**80**

discrimination cases provided with legal assistance

**6 million**

carers in Britain have new rights as a result of our support for a legal case brought by Sharon Coleman, the mother of a disabled boy



people visit our website per month on average



**Over 400**

enforcement or pre-enforcement actions taken, of which over 80 per cent were resolved without the need to go to court

# Leading the debate

Our research and policy reports, youth projects, inquiries and legal cases have pushed forward the discussion around equality and human rights issues in the national press.

‘The Government’s human rights watchdog has said it will take on John Hutton, the Defence Secretary, and the Ministry of Defence in a test case to **extend human rights laws** to soldiers on the battlefield.’  
**The Telegraph, 9 March 2009**

‘Britain faces a surge in far-right extremism if white working-class families do not get help with the **economic crisis**, the race watchdog warned yesterday.’  
**The Daily Mirror, 29 October 2008**

‘The equalities watchdog **threatened to sue** the Government yesterday over its attempts to hold terror suspects for up to 42 days.’  
**The Daily Mail, 1 April 2008**

‘That is the long-term purpose of the [Commission’s Our Space summer] camp – **creating equality ambassadors** to reach young people before prejudices of all kinds can take root.’  
**The Guardian, 19 August 2009**



‘The Equality and Human Rights Commission points to the **huge disparities** in salaries between the sexes in the City.’

**Suzanne Moore, Grazia,  
21 September 2009**

‘The claim that immigrants jump the housing queue is set to be exposed as a **‘myth’** by the Equality and Human Rights Commission.’

**Evening Standard,  
30 June 2009**

‘[With Young Brits at Art] the Commission was searching for a more truthful understanding of how young people orientate themselves amid what is too often described as an increasingly

**fractured and hostile world.’**

**The Times, 3 July 2009**

‘The Equality and Human Rights Commission’s proposal for **sharing leave** much more evenly [between parents] is a **massive step in the right direction**. Instead of asking employers to put their better nature ahead of their business nous, it takes away the temptation to do otherwise.’

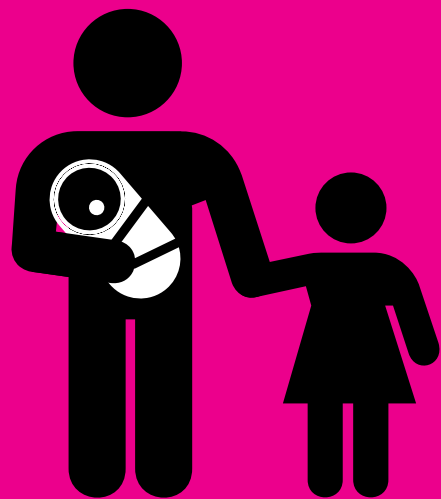
**The Observer, 31 May 2009**

‘The case [of Sharon Coleman], backed by the Equality and Human Rights Commission... will force employers to ensure that if they offer **flexible working** it must include those with caring responsibilities.’

**The Times,  
18 July 2008**

# 69%

of fathers who  
take paternity  
leave say  
it improved  
their family life



# Chapter 1

## Work

At the Commission we believe that fairness at work is essential both for the wellbeing of employees and also for Britain's economic future.

If we are to prosper in the 21st century we must create a working culture that harnesses the talents of the widest possible range of people. Britain cannot afford to go on asking employees to fit their families around the demands of ever-more intense 24/7 global competition, and marginalising or rejecting workers who fail to fit into traditional and inflexible working arrangements.

In many important ways, our working practices have not evolved to keep pace with the rapid changes that have taken place in British society over the last hundred years. In 2009 women make up 46 per cent of the UK workforce, and the proportion of ethnic minority workers is rising; between 2001 and 2007 ethnic minorities accounted for an estimated 90 per cent of the growth in the working-age population of England. More than a quarter of people in the workforce are aged 50 or over.

The Women and Work Commission has estimated that Britain is losing £15bn-23bn per year due to the under-use of women's skills: combine that with losses generated by the under-representation of other groups and the impact of inequality on the economy becomes very clear.

The challenge is all the more pressing because the combined effects of increased life expectancy and a reduced birth rate mean that in years to come there will be fewer workers for every person of pensionable age. When pensions were introduced in the early 1900s there were 22 people of working age in Britain for every retired person. In 2024 there will be less than three. The fact that people are spending a lower proportion of their lives in work has a range of potentially damaging consequences: a greater pressure on pensions, more older people forced to live in poverty, and escalating costs of social and health care.

Through undertaking research, proposing policy solutions, making effective use of our legal powers and parliamentary lobbying the Commission has set the stage for employers and policy-makers to transform working life in Britain. Only a level playing field can secure us enough talented workers to maintain a vibrant, innovative economy.

We believe it is necessary to think radically about how to remove the barriers that keep whole swathes of the population out of work, or in jobs far below their skill level. Our **Sex and Power 2008** report revealed the extent to which women remain under-represented at the top levels of companies, in Parliament, and in the judiciary – despite the fact that girls outperform boys in many areas of education. Our research found that at the current rate of progress it will take another 27 years to achieve equality in civil service top management; another 55 years to achieve an equal number of senior women in the judiciary, and around 200 years to achieve an equal number of women in Parliament.

Our **Who Runs Wales?** report focused on the under-representation of women in political life in Wales. A film based on the report has been customised and shown at political party conferences in Wales.

### Working better

We need to understand why our economy is deprived of the talents of not only women but also other under-represented groups. The Commission's **Working Better** project, launched in summer 2008, aims to identify and promote innovative ways of working which help meet the challenges of the 21st century. It will explore how we can match the aspirations of employees with the needs of employers. Continuing from the 'Transformation of Work' project undertaken by the former Equal Opportunities Commission, we have expanded the parameters of Working Better to include the needs of parents, carers, disabled people, young people and older workers.

55%

of fathers have taken  
paternity leave

As part of the first phase of Working Better, which focused on families, we found that today's parents want to share work and family more equally, and that there is extensive unmet demand from fathers for more leave with their children. But despite these social realities, the current maternity, paternity and parental leave rights – with long low paid maternity leave, short low paid paternity leave and inflexible unpaid parental leave – do not enable parents to meet those aspirations.

We have proposed that the current model should be replaced with a new world-class policy of gender-neutral parental leave by 2020. This would enable families to exercise real choice in the first year of their child's life, and to have the option of paid parental leave up to the age of five. We also recommended that the right to request flexible working should be extended to all employees throughout their working life. These measures would make a real difference to women's ability to maintain a career after having children – and to men's ability to participate fully in family life.

For the second phase of Working Better, which will be completed later in 2009, we are looking at disabled workers, carers and older workers. Our preliminary findings have shown that two thirds of older workers claim they would use flexible working arrangements if they were available – many because they have caring responsibilities outside the workplace. The research also challenges some of the common assumptions about the aspirations of older people. Among the over-50s, only five per cent say they want to shed responsibilities as they get older. Employers refusing promotion or reducing opportunities is the most common reason for not being at a preferred level of seniority. Given the economic importance of keeping older people in work, we can no longer afford for this to be the case.

### New rights in the workplace

Our legal and parliamentary teams have also been laying the groundwork for fairer workplaces. We have won new rights for both employees and employers by making effective use of our legal powers and influencing legislation.

One case that established new rights for hundreds of thousands of army service personnel was brought by the mother of **Jason Smith**, a soldier who died in Iraq, against the Ministry of Defence at the Court of Appeal. Smith died of heatstroke in August 2003 after repeatedly telling army medical staff that he felt seriously unwell due to temperatures in excess of 50°C. Following an intervention from the Commission, the Court of Appeal ruled that armed forces personnel serving overseas are protected by the Human Rights Act. This protection applies whether or not they are physically on an armed forces base. The case was significant as it was the first time the courts had considered how the Human Rights Act applies to British forces serving abroad.

We helped to win greater protection from homophobic bullying at work by providing legal assistance to Stephen English in his case against Sanderson Blinds Ltd. Mr English is a married heterosexual man who brought a claim for harassment against his employers after suffering years of homophobic taunting by colleagues. The Court of Appeal determined that protection should apply to victims of abuse that is motivated by homophobia – even when the perpetrators are aware that the victim is not gay.

The equality bill, which is currently passing through parliament, also has implications for the workplace. Particular issues we wanted to be included in the bill included a clause on positive action, which means that for the first time disadvantage and under-representation can be considered as a ‘tipping factor’ by employers choosing between two equally qualified candidates for a job. We also sought the banning of so-called ‘gagging clauses’ in the private sector which prevent colleagues from discussing details of their own pay, and lobbied for the equality duty to be extended to private companies providing goods or services to the public sector.

80%

Women in the UK's leading finance companies receive on average **80 per cent** less in bonuses than male colleagues

### Helping businesses and public bodies meet their obligations

We believe in working with businesses to help them meet the challenges they face and comply with the law. Within this we have recognised the particular needs of small and medium sized businesses – particularly those that do not have access to in-house HR advice. The first of these dedicated guides for SMEs, provided advice on equality obligations while managing the downturn and preparing for recovery. It includes guidance on equality obligations when making redundancies, including ideas about flexible working and other ways of avoiding job losses.

We also published **guidance on the equality duties** for employers and service providers in the public sector, as well as a toolkit for use by individuals and organisations who suspect that a public sector organisation is not complying with the duties.

We have undertaken a number of inquiries into organisations and sectors that we have reason to believe may be in breach of equality and human rights laws.

### Formal inquiries and assessments

Our **Race Discrimination in the Construction Industry Inquiry** looked at the under-representation of non-white ethnic minorities across the industry. It found that poor recruitment practices are contributing to the low numbers. Ethnic minorities make up just 3.3 per cent of the construction industry workforce, despite making up 7.9 per cent of the national workforce. The Commission has called on the construction industry to invest in training and recruiting the best candidates from the widest possible pool of talent.

The next phase of the Inquiry involves the Commission engaging with industry bodies, government, unions and education providers to bring about change. We will report on this by February 2010.

Our **Finance Sector Inquiry** found that women in some of the UK's leading finance companies receive around 80 per cent less in performance related pay than male colleagues. The disparity is a major factor behind the massive gender pay gap in the finance sector.

The Inquiry was the first time this type of data on gender pay gaps in the sector had been collected, with the Commission using its statutory powers to require companies to provide evidence of their working practices and policies including pay, job evaluations and audits.

The Commission has now begun the third phase of its Inquiry which will involve collaboration with finance companies, employees, industry associations, leaders, regulators and trade unions to develop more targeted solutions to the gender inequalities identified in its report.

We have also launched an inquiry into the **meat and poultry processing sector**, which seeks to identify differences in pay and conditions between agency workers – many of whom are migrants – and employees with permanent or directly employed status. This is due to report in January 2010.

As part of our work on the equality duties we assessed how the Department for Work and Pensions (DWP) and its agency, Jobcentre plus, are working together to promote equality. The year-long review found some evidence of good practice but also found that DWP and Jobcentre plus need to do more to promote equality and meet the duties. In response to the assessment, Jobcentre plus has indicated that it is planning to address all of the concerns raised by the Commission in due course.

Some specific areas of concern were the limited focus of diversity impact assessments (DIAs), a lack of transparency in consultations with stakeholders, prioritising volume of assessments rather than the quality of outcomes, and misconceptions that equal treatment automatically leads to equal outcomes.

In Wales, our Equality Exchange network of public sector employers is growing and has held two major conferences to share effective practice in moving equality up the agenda.





# 200 years

It will take **200 years**  
at the current rate of  
progress for women to  
be equally represented  
in Parliament

# The future of work

**Clock is a small digital agency employing 32 people,** most of them men.

The award-winning firm designs and builds intranets and extranets, develops brands and creates online marketing campaigns for companies including BBC, Channel 4, J D Wetherspoon, and News Corporation.

The Hertfordshire-based firm makes flexible working, and other work-life balance benefits, available to its employees, allowing them to design work around their lives, interests, needs and desires. It featured in the Commission's Working Better report, which advocated greater flexibility for parents at work.

Clock knows some competitors pay a bit more. However, by offering people a better work-life balance, it says it can attract and retain highly skilled employees.

With only five leavers in 11 years, Clock has saved money on recruitment and managed to retain valuable knowledge. Another benefit of implementing flexible working is the low sickness absence rate.

Individuals have autonomy over how they work. Rob Arnold, a web designer, was able to work remotely while studying for a university degree. He says the flexible approach is a big draw for jobseekers. 'The remote working gave me just the flexibility I needed, I was treated like a person and given responsibility which gave me the opportunity to shine.' He has progressed with the company and is now studio manager.

'If you really trust people and give them space, freedom and guidance, you will be repaid with dedication and enterprise,' says Syd Nadim, chief executive.





**Syd Nadim, chief executive**

‘If you really trust people and give them space, freedom and guidance, you will be repaid with dedication and enterprise.’



# 5.2 million

people provided care for partners, relatives or  
friends without payment in 2001

# Chapter 2

## Home

The provision of care and support at home – whether it is needed for grandparents, parents, partners, colleagues, our neighbours, children or ourselves – is an issue that is set to touch everyone's lives at some point, and potentially at many stages through life.

The quality of care available to us has a direct bearing on the choices we are able to make and the opportunities we have to lead the lives we wish to lead. It can determine our health and well-being and the quality of family relationships.

Care provision will have an increasing impact on the British economy too, both in terms of levels of private and public expenditure required to sustain care and support, and on the ability of individuals who are receiving or providing care to participate in paid employment. The number of people aged 65 and over with care and support needs is estimated to rise by 87 per cent between 2001 and 2051 as our society ages. The 2001 national census in England and Wales estimated that there are 5.2 million partners, relatives or friends providing support for people without

payment, of which 1.7 million care for 20 or more hours a week. The 2001 census in Scotland found that around 480,000 people provide some form of unpaid care. By 2041, nearly 1.3 million disabled older people are projected to be requiring informal care – and increase of around 90 per cent.

The Commission believes that how we approach care and support will be an increasingly important factor in whether people enjoy their most fundamental human rights. It will also to some extent determine future patterns of inequality and levels of social cohesion. For this reason we have delivered a set of detailed policy proposals on improving the care system. We have won new legal rights for Britain's carers, and campaigned for the services essential to ensuring our home lives are both enjoyable and secure.

### Shaping the future of care

Our report on the future of social care in England, **‘From Safety Net to Springboard’**, argued that we are at a fork in the road. We can choose to harness the potential of care and support by deepening and accelerating reforms to the system. This would mean a future in which care and support acts as a springboard, enabling each of us to reach our full potential and to make a contribution at home, at work and in our communities. In this way, care and support can play its full role in helping the country to develop its economy and to prepare fully for the demographic change of the coming decades.

The other option is to fail to realise the potential of care and support, and to run the risk of paying a high social and economic price: poorer health, economic inactivity, widening gender inequalities, damaged family relationships and intergenerational tensions.

We identified the need to create a sustainable role for informal care and support, averting what we termed the ‘care crunch’. This term describes the consequences of over-reliance on informal

or privately-funded care that places a sometimes intolerable physical and financial burden on families having to balance work with bringing up children and supporting older parents and relatives.

We called for a system founded on principles of human rights and equality, which is delivered consistently across the country. Such a system should be founded upon an approach which focuses not only on people’s freedom from harm, but also on how people can be granted the freedom to flourish. This is known as the ‘capabilities’ approach, and at the heart of it is a commitment to promote individual autonomy.

### New rights for carers

We have helped to win important new rights for Britain’s 6 million carers by providing legal assistance in the case **Coleman v Attridge Law**. The case concerned Sharon Coleman, a secretary at a legal firm, whose son Oliver was born with a serious health condition. She claimed that she had been denied the flexible working arrangements that were available to colleagues with non-disabled children.



**71%** of carers say  
they are stressed

The decision of the European Court of Justice established that discrimination against a person because of their association with a disabled person is unlawful. The case means that anyone caring for a disabled child or elderly relative cannot be discriminated against in the workplace.

The case **R(JA) v London Borough of Enfield** concerned four people with severe mental health conditions who faced being moved from their residential home. We proposed to intervene in the case, in which the residents applied for permission to judicially review the local authority for alleged breaches of community care, human rights and disability discrimination legislation. The local authority eventually allowed the residents to stay in the residential home.

### **Safety and security at home**

Home life is not, however, just about caring responsibilities. It is also about a range of other concerns: ensuring that our homes are physically secure; the often complicated relationships within families; and how we choose to spend our leisure time. The Commission has undertaken a number of projects and had involvement in legal cases

aiming to ensure safety and security for everyone in their homes.

One significant legal case, **R (McCarthy and others) v Basildon District Council**, concerned the decision of the Council to carry out a mass eviction of Travellers from unauthorised sites. This was challenged on a number of grounds, including direct and indirect discrimination and breaches of the race equality duty. The Commission intervened to offer guidance on how the law in relation to race and disability should be applied in such cases. The Court of Appeal upheld the Council's appeal against the High Court decision that they had acted unlawfully.

The Commission has, however, continued to work to bring both parties together to engage in constructive dialogue.

The **Map of Gaps** is a unique campaign by the Commission and the End Violence Against Women coalition which maps services for women who have experienced violence. Over three million women across the UK experience violence each year and for these women specialised support services are essential for their access to safety, justice and the ability to move on with their lives.

The mapping exercise revealed that one in four local authorities provide no specialised support services at all. Glasgow has the best provision of specialist support services for women in Britain, and in Scotland more broadly the Government has extended provision through a national Violence Against Women Fund for over five years. In Wales all local authorities have at least one domestic abuse service. This work now needs to be extended to cover all forms of violence against women. In the east and south east of England, in contrast, provision is very poor. The Commission announced in January 2009 that it would target over 100 local authorities with the threat of legal action over their failure to provide specialised services for women who have experienced violence.

Local authorities and other public bodies are required by law to promote gender equality, and that duty requires them to take into account men and women's different needs. Because violence against women is such a major cause of women's inequality, public bodies should ensure adequate support for women in such circumstances. Subsequently we have decided to take action against local authorities who have failed to meet their legal obligations under the gender equality duty.

### Rights during leisure time

Holidays are an important part of many people's home and family lives – but they can prove stressful and difficult for those in need of care and support. Our **air travel campaign** aimed to educate both individuals and airlines about their rights and responsibilities under new European law, which means that if you are disabled or have difficulty moving around you can receive assistance when you fly to and from Europe.

You do not need to be permanently or physically disabled to benefit from this service. In fact, anyone who has difficulty moving around, for example, because of their disability, age or a temporary injury, can receive help when they fly.

We created 'Your Rights to Fly', a step by step guide aimed at airline users. We are also responsible for dealing with any complaints regarding UK airlines and airports in England, Scotland and Wales, advising passengers on their rights and what further action they can take. We also liaise with colleagues in the Department for Transport and the CAA (the airline regulator) and other European Union nations to improve services to disabled and less mobile passengers.



# 1.75 million

people of working age and older used  
care services in 2007–8

# Human rights at home and in care

## **Paul Mesner and his wife Dorothy show off their album of holiday snaps:**

Paul smiling on a cable car in Madeira; the sea view from their apartment in Majorca. The Mesners have particular reason to be proud and excited about their travels; Paul is tetraplegic, with very limited movement from the neck down. Leaving the house is a major undertaking – and as for holidays, he says with a weary smile, they are a ‘military operation’.

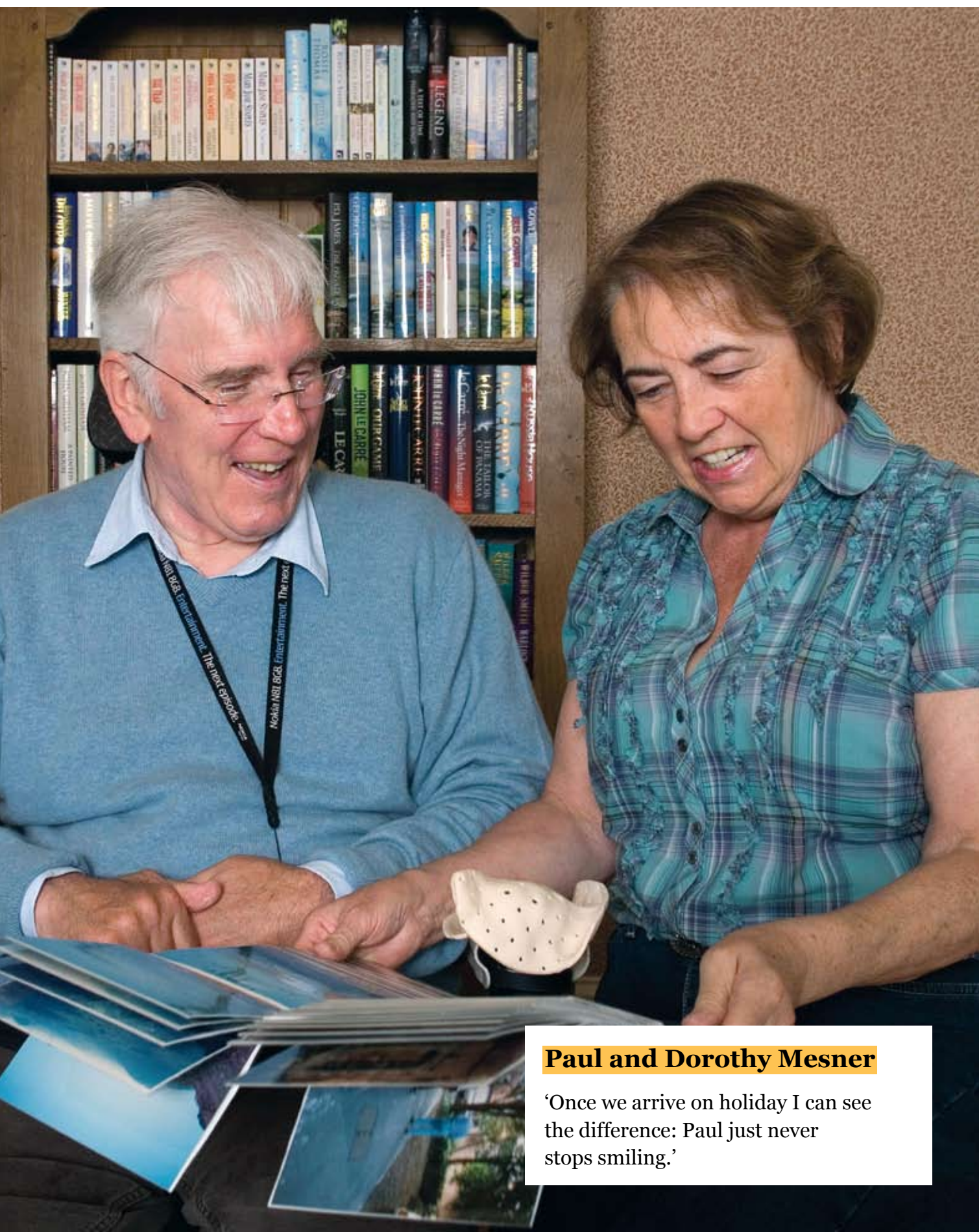
Before a road accident that nearly severed his spinal cord in July 2005, one of Paul’s great pleasures was travel; he and Dorothy would go abroad three or four times a year. They have been determined to keep travelling – and their determination has prompted their local health board to adopt the kind of rights-based approach advocated by the Commission in its Human Rights Inquiry.

Accepting Paul and Dorothy’s right to a family life, Torfaen Health Board, which provides Paul’s care, devised a risk-assessment procedure, which enabled them to demonstrate that they were able to provide an acceptable standard of care in the holiday setting.

Thanks to the new procedure, Paul and Dorothy have now been on holiday three times since the accident. ‘Once we arrive I can see the difference it makes being in a new place,’ says Dorothy. ‘Paul just never stops smiling.’

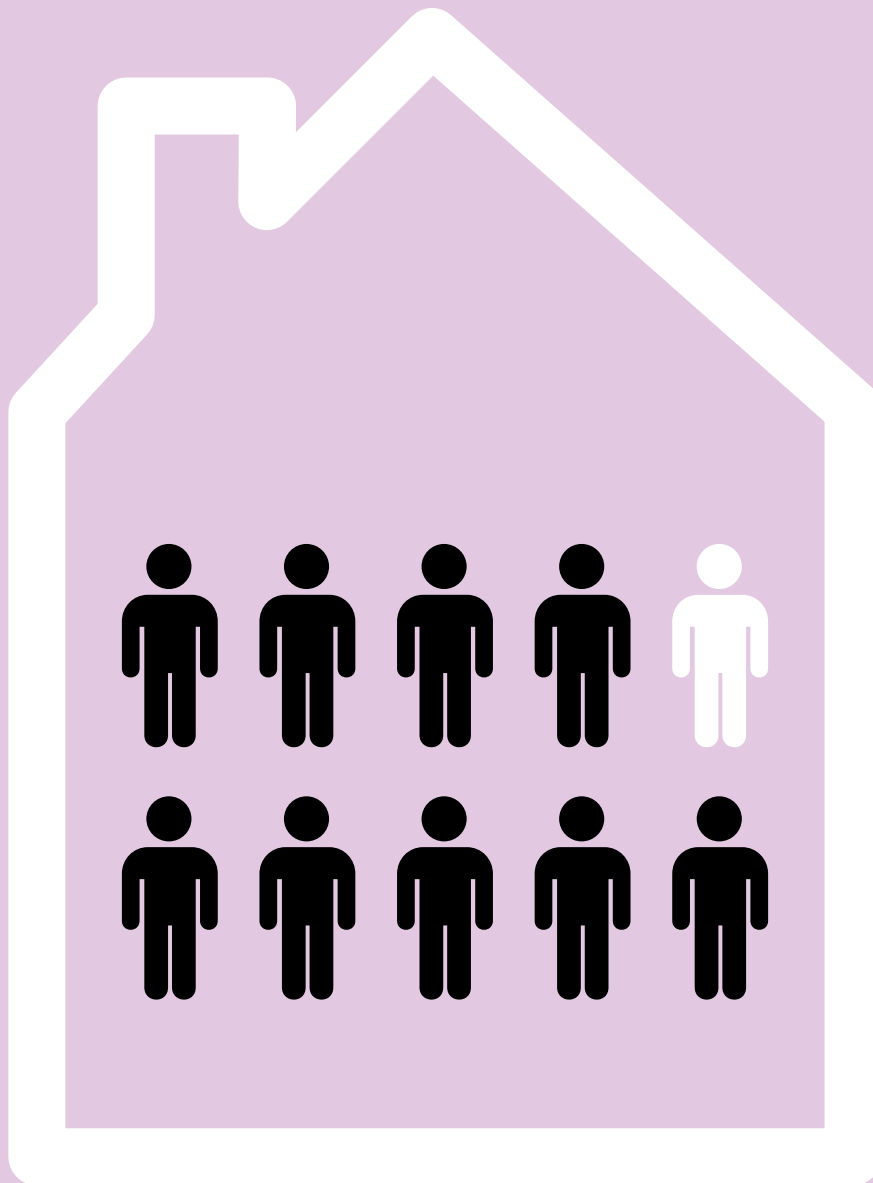






### **Paul and Dorothy Mesner**

‘Once we arrive on holiday I can see the difference: Paul just never stops smiling.’



**9 out of 10**

people who live in social  
housing were born in the UK

# Chapter 3

## Neighbourhood

Good relationships between and within communities are the cornerstone of the kind of society we all want to live in; one built on fairness and respect, in which people are confident in all aspects of their diversity.

Helping to promote good relations is one of the core aims of the Commission, along with eliminating discrimination, reducing inequality, and protecting human rights.

When we talk about good relations, we mean positive relationships both within social groups and between them. In other words, every individual is entitled to respect and fair treatment from other members of their faith, race or social group. On a wider level, it is important that different communities respect and treat one another fairly.

The Commission has undertaken research and made policy recommendations on how we can best strengthen good relations and reduce social tension in key areas such as housing and policing. We have an important role in promoting and enforcing

the equality duties, laws that place a responsibility on all public authorities to promote gender, race and disability equality. These duties are due to be extended to cover all equality grounds in 2011, and we will be advising public authorities on how to build good relations between all groups in society.

### Reducing tension between communities

The Commission's report, '**Police and Racism: what has been achieved 10 years after the Stephen Lawrence Inquiry report?**' evaluated the progress made in race equality by police forces over the last decade. It found that significant progress had been made in areas such as recruitment of ethnic minority staff and reporting and investigation of race crimes.

However, it also found several areas of concern, such as the disproportionate number of black and Asian people being stopped and searched in most force areas, the high proportion of black men recorded on the DNA database, and the fact that twice as many ethnic minority recruits drop out in their first six months of service compared to their white counterparts.

Our study on social housing, **‘Social Housing Allocation and Immigrant Communities’**, helped to explode some of the myths around how social housing is distributed. It found that nine out of 10 people who live in social housing in Britain were born in the UK, and that less than two per cent of all social housing residents are people who have moved to Britain in the last five years.

The independent research found that social housing policies are targeting those in most need including homeless people, elderly people and families with children. It found no evidence to support the perception that new migrants are getting priority over UK born residents. Nor was there any evidence of abuse of the system, including ‘queue jumping’ or providing false information.

However, despite the evidence, we found that the public has a different perception of who gets priority for social housing. Focus group discussions held as part of the project exposed widely-held fears that the allocation process puts white British families at a disadvantage and that migrants are ‘cheating the system’. This myth appears to contribute to tension in many areas.

The report identified a number of factors which could be contributing to these perceptions, and recommended that public concerns about the effects of migration on housing should be addressed by policy makers at a local level. It also suggested that more needs to be done to increase people’s understanding of entitlement to social housing, as the lack of transparency in the process may perpetuate the belief that the system itself is unfair.

We identified another particular area of social tension around **Gypsy and Traveller communities**, and we have carried out several pieces of research and policy work in addition to intervening in the legal case concerning the planned mass eviction of a Traveller community in Basildon, discussed in Chapter Two.





Black people are **seven times** more likely than white people to be stopped and searched by the police

‘Gypsies and Travellers: simple solutions for living together’ was a report aimed at local authorities highlighting their responsibility to provide adequate accommodation for Gypsy and Traveller communities, and showcasing examples of best practice from around the country.

Authorised Gypsy and Traveller sites are essential in order to avoid the social tensions caused by unauthorised encampments, which do not provide basic necessities such as sanitary facilities and rubbish collection. There is a government requirement that local authorities make suitable provision for Gypsy and Traveller communities by 2011. However, our research in England showed that despite some progress, most local authorities are far from meeting the target. They need to double their rate of progress if enough temporary accommodation is to be made available by 2011; and quadruple their progress to provide enough permanent pitches.

We have called for strong leadership and a commitment to finding long-term solutions to the lack of Gypsy and Traveller accommodation from local authorities. We will continue to work with local authorities and with Gypsy and Traveller communities to ensure that progress is made towards a fair solution.

In Wales we carried out a survey to look at attitudes towards discrimination, equality, human rights and how we are living together. Whilst overall the results showed a society at ease with itself, there were pockets of entrenched prejudice, most notably around those with mental health conditions, transgender people and Gypsies and Travellers.’

In Scotland we commissioned the ‘**Room for Manoeuvre**’ report looking at how to build good relations in communities which need inward migration. The report considered what planning should be put in place for population growth. It was launched with a migration summit involving key experts in the area.

### **Good relations on a national level**

We have used our position as the champion for equality and human rights in Britain to lobby government over new legislation that impacts on the relationships between communities. We undertook significant work on the **counter-terrorism bill**, including Parliamentary lobbying and consultation events. Our Parliamentary briefing on the bill highlighted the danger that increasing the pre-charge detention period for terrorist suspects from 28 to 42 days could be contrary to human rights law, and that it might also breach the Race Relations Act.

We stated if the measures were adopted we might seek to use our legal powers to challenge the lawfulness of the provisions and to establish clear legal principles on the use of pre-trial detention. On 13 October 2008 the House of Lords voted to keep the limit at 28 days.

The **rise of the BNP** to prominence in the 2009 European elections has been another area of concern to the Commission. In June 2009 we wrote to the party over possible breaches of anti-discrimination law.

Using new powers, the Commission demanded that the party address potential breaches of the Race Relations Act. In August 2009 county court proceedings were issued against the party by the Commission in respect of BNP's constitution and membership criteria. The case will be heard at Central London County Court on 15 October 2009.

### **The equality bill**

The Commission believes that the equality bill, which is currently passing through Parliament, is a once-in-a-generation chance to create a modern, single legal framework, providing clearer, streamlined law that is more effective at tackling disadvantage and discrimination. The new bill will simplify and incorporate into a single Equality Act the various pieces of existing anti-discrimination legislation distributed across 35 acts, 52 statutory instruments, 13 codes of practice and 16 EC directives.



**3.3%** of the Scottish population was born outside the UK

The Commission developed proposals on key policy areas designed to obtain maximum impact on traditional forms of disadvantage, such as equal pay and the underrepresentation of marginalised groups in the workplace. We wanted to tackle more entrenched forms of socioeconomic inequality reflected in the reduced social mobility associated with Britain's more deprived localities and poorer families. Our proposals took the form of expert legal advice, for example on the extent of positive action permitted under EU law. We also created a range of position papers which included recommendations for a constitutional guarantee of equality, and the banning of age discrimination in relation to goods, facilities and services.

These proposals were submitted to the Government Equalities Office (GEO), the government department responsible for drafting the bill. We organised a series of roundtable meetings with NGOs and strand-based equality groups, as well as one-to-one meetings between the Commission's Chair and Chief Executive and heads of local government, key parliamentarians and Ministers.

In accordance with the principles guiding its work, the Commission sought a bill which would not regress on any point of current law. We wanted it to reflect real patterns of working and produce a real change in life chances. We believe that the legislation needs to recognise the importance of more favourable treatment in relation to the asymmetric nature of disability legislation, and to avoid undue bureaucratic burdens on business.

When the bill was published on 27 April 2009, the Commission assigned a group of expert lawyers to scrutinise it, identifying clauses which we supported, and those for which we sought amendment. As a key witness at the parliamentary public bill committee, the Commission welcomed the banning of so-called 'gagging clauses' preventing private sector employees from discussing details of their pay, and the creation of duties on socioeconomic disadvantage and procurement. We proposed amendments which included abolition of the mandatory retirement age and greater protection from age discrimination for under-18s, as well as the introduction of representative actions to the tribunal system.

The Commission's work on the equality bill will now focus on fulfilling its statutory obligation to produce codes of practice, which will enable the courts to interpret the new equality legislation, and a suite of non-statutory guidance, which will provide those in the public and voluntary sectors, private employers and employees and the general public with the practical information necessary to implement the new Act.

### **The local level: helping to build healthy, diverse communities**

Strong communities begin at the grassroots, and the Commission supports organisations around the country working on equality and human rights issues. Our grants programme has distributed **over £10 million each year** to a range of projects around Britain. In our first year we gave funding to 245 organisations across England, Scotland and Wales.

These included a huge range of projects: from shelters for victims of domestic violence, to schemes aimed at building bridges between the generations and research into the discrimination suffered by black and ethnic minority gay people. For more details about just one of our funded organisations see the case study at the end of this chapter.

The launch of the second year of funding in May 2009 generated an unprecedented response, with more than 2,000 organisations applying for funding. This was testament to the outstanding outreach work undertaken by the grants unit and the English regions, Scotland and Wales staff. Funding will be allocated to projects that contribute towards one of our three priority areas: advice, advocacy, infrastructure and capacity; good relations; and legal advice on equality and human rights issues.

More than

£10 million

grant funding has been distributed by the Commission

# Funding projects at the grassroots

**It was a family tragedy that turned Muna Hassan into a campaigner.** Her younger brother had become addicted to chewing khat, a stimulant used by many men in the Somali community where they live in Forest Gate, east London. He developed a mental health condition – and Muna was convinced that khat was to blame. ‘Khat is a major problem for the Somali community,’ says the 26 year-old. ‘More and more young people are using it without knowing about the adverse effects.’

Muna became passionate about raising awareness about the dangers of khat, to prevent other families in her community going through the same experience – and that is where the Young Foundation came in. With a grant from the Commission in 2008, social affairs institute had launched the ‘Uprising’ programme dedicated to supporting young campaigners.

Muna was one of 64 young people aged 19-25 from east London who participated in the programme, which included seminars with influential figures including David Lammy MP and the Commission’s chair, Trevor Phillips, and introductions to others in politics and business. For Muna, it was a formative experience. The khat campaign has now been shortlisted for the Shiela McKechnie Campaigner Awards, an annual bursary scheme for emerging and grassroots campaigners. While there is no way of knowing how long it will take to persuade the government to ban the drug, she is sure of one thing: ‘without Uprising I certainly wouldn’t have got as far as I have.’

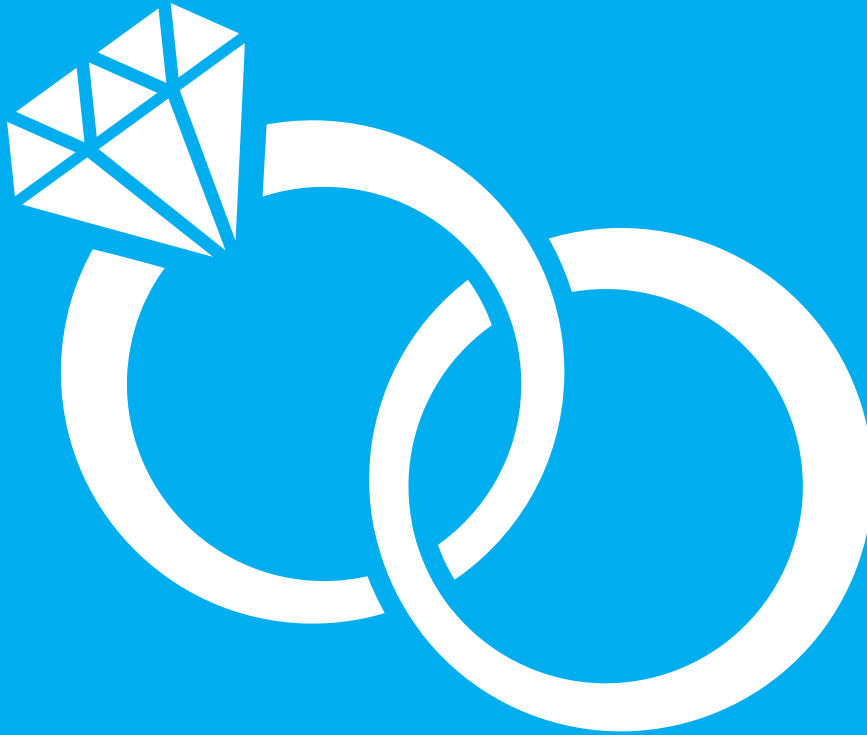




**Muna Hassan**

‘Without Uprising I certainly wouldn’t have got as far as I have.’





70%

of people would be happy  
for their son or daughter  
to marry someone of a  
different race or faith

# Chapter 4

## Self

We believe in empowering the individual. Nobody wants assumptions made about them because of their background or identity, be they a white man looking to retrain, a black woman who needs support for her business, a gay undergraduate, a young child from a run-down estate, a mother who wants to work or a disabled person looking for the right support.

A key first step towards empowering individuals from all social groups is making sure that their lives are free from the fear of discrimination, bullying and harassment. We are here for the 60 million people of Britain, to ensure everyone is treated with dignity and respect. We believe no one should have to deal with the pernicious effects of discrimination and that prejudice has no place in a modern, open society.

As part of our commitment to creating a tolerant, fair society we work extensively with young people, aiming to create a 'generation without prejudice'. We have taken on a series of legal cases aimed at ensuring fair treatment for everyone regardless of race, background or disability.

We believe that human rights need to be the basis of a society in which all individuals are valued; we have undertaken the largest ever study of how human rights are working in England and Wales. We have received **United Nations accreditation** as an 'A' status National Human Rights Institution, giving the Commission international recognition and status as the independent body charged with promoting human rights in Britain.

We aim now to push the human rights agenda forward, ensuring that all public services have the needs of individuals at their heart.

## Working with young people

One of our key priorities is to work with young people to build a 'generation without prejudice'. This is essential if we are to develop a society in which every individual has the opportunity to achieve and lead a fulfilling life. Evidence shows that a child's potential is still determined to a much greater extent by their social class than by ability and effort. Race, gender and disability also contribute significant hurdles to securing good jobs. As part of our three-year strategic plan the Commission will create a programme of activities with schools, education regulators, the youth sector and young people themselves.

**Our Young Brits at Art** competition invited 11-19 year olds to create pictures expressing their thoughts and feelings about living in Britain today. Young people from all walks of life across England, Scotland and Wales submitted work telling their story: who they are, what they think, their hopes and fears, aims and ambitions. In the 2008–2009 academic year we received 1,639 entries.

The top 100 shortlisted entries were displayed at London's South Bank Centre, where the 10 winners received their prizes in a ceremony. Judges for the competition included the artist Alison Lapper and the chair of the Commission, Trevor Phillips.

The **Our Space summer camp** brought together 90 young people aged 14 and 15 from all over the country. The five-day activity camp took place in the Lake District, and was attended by young people from a range of backgrounds. The teenagers took part in activities such as orienteering and canoeing, as well as intensive workshops on subjects such as diversity and leadership. The aim is to equip attendees with the skills, knowledge and passion to make a real difference in their schools and communities – to become the equality leaders of tomorrow.

Several participants from the 2008 summer camp also returned to share their experiences and act as peer leaders for the new campers.



1/3

of working Muslim women see themselves as future chief executives

Another initiative focused on young people was **Staying On**, a response to the Education and Skills Act 2008. The new legislation will mean that from 2013 teenagers in England will remain in education and training until at least their 17th birthday, rising to 18 by 2016.

Our 'Staying On' report was one of the most comprehensive pictures to date into the education and career aspirations of 14 to 18 year olds. The report included a survey of more than 1,000 young people, and found that many of them feared failure. It found that this may have been caused by an overwhelming focus on academic achievement as opposed to vocational training and apprenticeships.

### Challenging prejudice

With innovative projects such as the **Muslim Women Power List**, we have challenged some of the damaging stereotypes attached to particular social groups. The List was a celebration of the 100,000 Muslim women currently working in Britain. It paid tribute to those who are on the way to – or have already reached – the top of their chosen field, be that business, civil service, arts, media or the public sector.

The list of remarkable women was published in March 2009. The aim of the List was to challenge some of the stereotypes about Muslim women, and to highlight the fact that they share the ambitions and challenges of all working women: to succeed at a good job and often to combine marriage and motherhood with a fulfilling career. We hope that the List will act as a professional social network for working Muslim women, allowing them to benefit from each others' experiences in the workplace.

The Muslim Women Power List was shortlisted for a PR Week award.

**'Promoting the Safety and Security of Disabled People'** was a research and policy project aimed at highlighting the violence and hostility experienced by disabled people, which we argued might be perceived as a hate crime. We found that for many disabled people in Britain, safety and security is a right frequently denied. Aggression can be a daily experience, in the street, on public transport, at work, at home, or on the web. Many disabled people begin to accept it as a part of everyday life.

They are often forced to go to extraordinary lengths to avoid it, thereby limiting their own lives. This is a clear and visible example of the denial of the human right to freedom in a modern society. We are following up the project recommendations with police, Crown Prosecution Service and other key agencies.

In Scotland we have supported the introduction and passage of a bill tackling hate crime against disabled and lesbian, gay and transgender people.

We have supported a range of legal cases that have established rights for individuals not to be discriminated against on the basis of their race, background or disability.

### **Allen v Royal Bank of Scotland**

concerned an individual, Mr Allen, who found he could not access his local RBS branch. On a number of occasions, he had to discuss his account details in the street. An appeal in this case will be heard in November.

The court agreed that his treatment amounted to disability discrimination. It awarded Mr Allen £6,500 – understood at the time to be the highest ever compensation payout in this kind of case. The judge also granted an injunction forcing RBS to make physical changes to its property so that disabled people could gain access. The case means that companies will have to think again about how they treat their disabled customers and how they can ensure they are given fair and equal access to services.

We intervened to protect funding for gender reassignment through correspondence with the NHS on its Primary Care Trust policy. Treatment for gender reassignment, other than counselling, was categorised as low priority and not routinely funded. We wrote to the Trust explaining the requirements of the public sector duties, and subsequently this policy has been impact assessed and found to have a possible negative effect with respect to gender. A consultation with transgender representatives will now take place.

# 90%

of people with learning difficulties have experienced harassment or bullying

Our legal team has also worked on ensuring that disabled people have equal access to justice. The case of **R(B) v Director of Public Prosecutions** was a judicial review brought to challenge the decision of the Crown Prosecution Service (CPS) to discontinue the prosecution of an alleged assault against B on the basis that B's reliability as a witness was undermined by his mental health. The Commission argued that the CPS must give due regard to the disability equality duty. We also raised concerns that assumptions about people with mental health conditions were preventing them from having full access to justice.

The High Court held that the CPS decision to drop the prosecution was wrong, due to either a misreading of the medical evidence or unfounded stereotyping that someone with a history of mental health problems could not be credible in court. Following this ruling, the Commission pledged to continue to work with the CPS to help ensure victims and witnesses with mental health conditions have proper access to justice.

## Putting human rights into practice

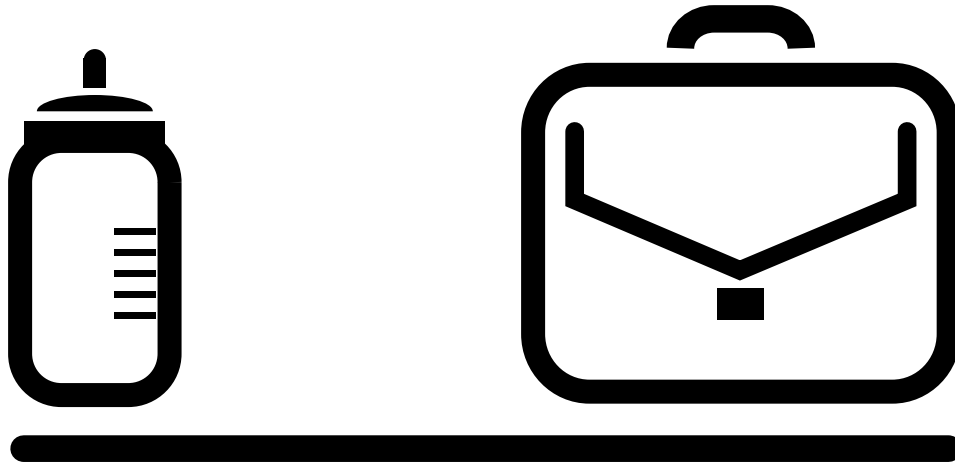
Our **Human Rights Inquiry** is the most comprehensive research to date into the first 10 years of the Human Rights Act. It brought together evidence from almost 3,000 individuals and organisations including service providers, service users and advocacy groups, inspectorates, academics and legal experts, politicians, the media and Government Ministers.

The Inquiry laid the foundations for the Commission's work on human rights. Our aims are to promote understanding of the importance of human rights; encourage good practice in relation to human rights; and to encourage public authorities to comply with the Human Rights Act. The Inquiry was launched in April 2008 and chaired by Dame Nuala O'Loan. It aimed to put together a reliable set of findings about the state of human rights in Britain, and to make recommendations about how to move the human rights agenda forward.

We gathered evidence for the Inquiry from individuals, organisations and service providers, based on their experiences. We also commissioned research on specific areas that we had identified, and held a series of inquiry panels to hear evidence from invited witnesses.

The Inquiry found that an overwhelming majority of the British people support legislation protecting their human rights, and that where a human rights approach is incorporated into public services both users and providers benefit. According to an Ipsos MORI survey of almost 2,000 adults commissioned as part of the Inquiry, 84 per cent of people said they wanted human rights enshrined in the law for themselves and their families and 81 per cent of people saw human rights as important to creating a fairer society.

We made some key recommendations for how to push the human rights agenda forward in the UK. These included encouraging those in leadership roles in public authorities to help ensure their staff prioritise human rights; providing better information, advice, training and resources for the public sector; and helping public authorities and voluntary groups to put a human rights approach at the heart of their decision-making processes.



75%

of **Muslim women** think  
it is possible  
to balance a  
successful  
career with  
a family

# A generation without prejudice

## **In a forest clearing on the banks of Lake Windermere,**

Aisha Nageen is dangling 15 feet from the ground. Keeping her from a terrifying plunge are five other teenagers, who are holding on to the other end of her rope harness.

This is just one of the adrenaline-pumping activities undertaken by the participants in Our Space, a summer camp for 14 and 15 year olds run by the Commission. More than 90 young people from across the country take part in the five-day camp, doing a range of outdoor activities as well as workshops exploring aspects of equality, diversity and human rights.

The camp is free of charge to all the participants, but they are expected to have a real interest in such issues. Aisha, a remarkably mature and confident 14-year-old, sits on the youth council in her home city of Sheffield, and is keen to get involved in more campaigning. 'I like to try and make things better for other people.'

It is also, of course, simply a great way for young people to make new friends from across the country, and from a wide variety of social backgrounds. 'At home I spend almost all my time socialising with other white, Catholic girls from my school,' says Hannah O'Gorman, 15, from Birmingham. 'This has made me realise that it's easy to get on with lots of different people.'







## Our Space

‘This has made me realise that it’s easy to get on with lots of different people.’



Our job is to break down inequality, build opportunity and support a civic society where fairness and the right of the individual to a life of dignity and respect is not merely an ideal but a fact.

# List of publications

The following publications are available in full on our website **[www.equalityhumanrights.com](http://www.equalityhumanrights.com)**

Sex and Power 2008

Who Runs Wales? (2009)

Working Better: phase one (2009)

Race Discrimination in the  
Construction Industry Inquiry  
Report (2009)

Financial Services Inquiry (2009)

Public Sector Duty Assessment of the  
Department of Work and Pensions  
through Jobcentre plus (2009)

From Safety Net to Springboard (2009)

Map of Gaps 1 (2007)

Map of Gaps 2 (2009)

Your Rights to Fly: what you need  
to know (2009)

Police and Racism (2009)

Social Housing Allocation and  
Immigration Communities (2009)

Gypsies and Travellers: simple  
solutions for living together (2009)

Room for Manoeuvre? (2009)

Staying On (2009)

Promoting the Safety and Security  
of Disabled People (2009)

Human Rights Inquiry (2009)

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