Consultation report

Your views on our strategic plan 2022–25

March 2022

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# 1 The consultation

We have a duty under the Equality Act 2006 to review and consult on the development of our strategic plan.

This report provides an overview of the consultation on our strategic plan 2022–25 and sets out how we took into account the responses received.

## What we consulted on

In our draft strategic plan 2022–25, we proposed six ‘areas of focus’ to guide our work priorities, where we can use our powers to improve equality and human rights outcomes:

1. Fairness in a changing workplace.
2. Fairness for children and young people.
3. Upholding rights and equality in health and social care.
4. Artificial intelligence and emerging digital technologies.
5. Fostering good relations, promoting respect between groups and understanding of rights.
6. Upholding an effective framework for protecting equality and human rights.

The consultation asked for feedback on the level of support for the six proposed areas of focus and what issues respondents felt were important or felt we should prioritise as part of our planned work in these areas.

The consultation also asked for more general feedback from respondents on our proposals and whether there were any additional areas of focus we should include in our strategic plan.

## What we did and how

In developing our draft strategic plan, we considered evidence of the main challenges and issues for equality and human rights in the context of the ongoing coronavirus (COVID-19) pandemic and post-pandemic recovery. In particular, we drew on evidence in relation to trends in outcomes for people sharing different protected characteristics, and information on emerging issues and feedback from our stakeholders, to identify potential areas of focus for our work.

We refined these areas in line with their relevance to our statutory role and remit. We considered what opportunities were likely to arise, and how we could use our powers to enable us to improve people’s lives. We mapped other stakeholders working in these areas to ensure that we would not duplicate effort. Finally, we assessed our current programmes of work to identify where we already had influence and could see the potential for further impact.

The public consultation ran for seven weeks from 16 August to 30 September 2021. Over 130 organisations attended the consultation launch event on 18 August. We shared the consultation with stakeholders by email and across our social media channels.

We also published a questionnaire on our website to gather feedback from individuals and organisations who wanted to respond. We published the questionnaire and draft strategic plan on our website in English and Welsh, alongside British Sign Language and Easy Read summaries of the draft strategic plan. Alternative formats for the questionnaire were available on request. Respondents who were unable to submit a response to the survey online were able to submit a written response.

We held roundtables on particular topics and informal discussions to consult with over 30 stakeholder organisations with particular expertise. We held specific roundtables with stakeholders in Wales and Scotland. We have reflected the records of these sessions in this report.

### Analysis and limitations

We appointed Alma Economics to conduct an independent analysis of all responses to the consultation, including survey responses, written responses and notes from the roundtables and discussions. They anonymised the consultation responses, and the analysis included both full and partial responses. Questions at the end of the survey received fewer answers.

It is important to note that respondents to the consultation were self-selecting, so this report represents the views of the individuals and organisations who chose to respond, which may not be representative of the general population.

Compared with the consultation on our previous strategic plan (for 2019–22), this consultation received a higher proportion of responses that indicated that the protected characteristics of sex, sexual orientation and gender reassignment were important.[[1]](#footnote-1) Many of the open question answers included comments on tensions between the protected characteristics of sex and gender reassignment. We have reflected these in the qualitative analysis in this report.

# 2 Who we consulted

## 2.1 Online survey

We received 888 responses to the online consultation. Forty per cent (359) were complete responses and 60% (529) were partial responses.[[2]](#footnote-2)

### Individuals and organisations

87% of respondents replied in an individual capacity and 13% responded on behalf of organisations.

We asked organisations what type of organisation they were: 47% were civil society, 12% public sector, 10% regulators, 9% business or private sector, 4% academic or think tank and 26% answered ‘other’.[[3]](#footnote-3)

### Nations

65% of individuals were based in England, 10% in Scotland, and 5% in Wales. The remaining respondents were either based outside Great Britain or did not specify their location.

For responses submitted on behalf of organisations, 30% of organisations were operating in England only, 13% in Scotland only and 13% in Wales only. Additionally, 12% of organisations operated across both England and Wales, 15% operated across Great Britain, 14% operated in other combinations of nations, and 4% operated in nations outside of Great Britain. Due to the nature of this spread and low numbers in some areas, it has not been possible in this report to compare how respondents from different nations answered questions.[[4]](#footnote-4)

### Protected characteristics

We asked respondents which protected characteristics were important to them. Their responses were:[[5]](#footnote-5)

* sex: 69% of respondents
* disability: 48% of respondents
* sexual orientation: 42% of respondents
* age: 41% of respondents
* gender reassignment: 32% of respondents
* race: 29% of respondents
* religion or belief: 26% of respondents
* pregnancy and maternity: 26% of respondents
* marriage and civil partnership: 14% of respondents.

# 3 What you said and what we did

This section of the report provides an overview of the responses received in relation to each of our six proposed strategic areas of focus for 2022–25, and any additional feedback. It also outlines changes that we have made to the strategy in response to the feedback.

Figure 1 shows that there was a high level of support from organisations and individuals for our proposed strategic areas of focus.

## 3.1 Overview of responses and feedback

Figure 1: Support for proposed areas of focus (%)[[6]](#footnote-6)

Figure 1 shows the proportion of respondents who answered either 5 or 4 on a scale of ‘5 – completely support’ the theme to ‘1 – do not support at all’.

Given the support for these areas of focus, we intend to keep these as our strategic priorities for 2022–25. We summarise below the main changes we have made in response to feedback, with further detail in the rest of the chapter.

### Areas of focus

We have refined how we describe our strategic areas of focus in response to feedback to clarify what we are going to do and to ensure they reflect our role and remit. We use the amended descriptions in the rest of this report:

1. Equality in a changing workplace (section 3.2).
2. Equality for children and young people (section 3.3).
3. Upholding rights and equality in health and social care (section 3.4).
4. Addressing the equality and human rights impact of digital services and artificial intelligence (section 3.5).
5. Fostering good relations and promoting respect between groups (section 3.6).
6. Ensuring an effective framework to protect equality and human rights (section 3.7).

Our business plan for 2022–23 provides more detail on our planned work in each of these six areas of focus.

### Impact of the pandemic

Some consultation responses suggested that we should strengthen the language we use to describe the impact of the COVID-19 pandemic on equality and human rights, particularly the impact of the pandemic on protected characteristic groups. We made these changes in our final strategy.

### Sex and gender

Respondents made many comments about sex and gender issues in relation to each of our proposed areas of focus. Most of these comments referred to tensions between sex-based rights and gender reassignment, and raised issues such as the need for single-sex spaces and for data to be recorded by sex. We also received comments arguing for the need to strengthen the rights of trans people and expressing concern that their rights are under attack.

Several responses raised concerns about how to manage competing demands between the nine protected characteristic groups more generally. There were calls for us to note the tensions and facilitate debate about how to manage them. We will take these issues forward as part of our work to foster good relations between groups (see section 3.6).

### Our role and remit

A recurring theme in responses was how we can strengthen our role and use our regulatory powers more actively. We also received feedback that we should define our role more clearly as an independent National Human Rights Institution. The language of our final strategy document reflects this feedback (see section 3.7).

## 3.2 Equality in a changing workplace

73% of organisations and 72% of individuals supported this proposed area of focus (see figure 1).

### Summary of responses

#### Fair treatment of employees and enforcement of legislation

Respondents highlighted the need for employees to be treated fairly by any employers who were unfair or exploitative. Others called for the enforcement of equality legislation and sanctions for those who break it.

#### Support for home working

We received comments on the benefits of home working, such as increased flexibility for those with caregiving responsibilities. Others said that increased home working should not lead to a deterioration of working conditions and that rights to working hours, sick leave and holidays should not be affected. There were calls for us to acknowledge more explicitly how the pandemic has reshaped the world of work.

#### Disabled people

Some responses focused on disabled people’s rights in employment. Concerns included that disabled people might be at greater risk of redundancy as a result of the pandemic and the increasing employment gaps for disabled people. There were also concerns that employers are not making reasonable adjustments to support disabled people to work online.

#### Women’s rights

Some responses focused on the rights of women in the workplace, including to maintain single-sex spaces within workplaces, the gender pay gap, gender equality in the workplace, flexible working, and the rights of mothers and pregnant women in the context of COVID-19.

#### Other responses

A few comments focused on the effects of the pandemic on the working population, including older workers, and the impact of long-COVID. Other responses called for better working conditions and market regulation.

### How we are responding

We heard strong support for us continuing to tackle discrimination, harassment, victimisation and breaches of human rights in the workplace. In our final strategy, we have amended the description of our work to make it clearer that our role is to regulate and enforce equality and human rights law across Britain. There were many calls for us to take legal action and enforce the law on discrimination and harassment in the workplace. This is our core work and it will remain central to our new strategy.

Respondents supported our proposed work on pay and employment gaps. Over the next three years, we will address gaps in employment rates and pay for different protected characteristic groups, including through our statutory power to enforce the reporting of gender pay gaps, and by advising policy-makers on approaches to ethnicity and disability employment reporting.

Respondents stressed the significant changes underway in the workplace, in part accelerated by the pandemic. Our strategy now more explicitly acknowledges how the pandemic has reshaped the world of work, such as the expansion of the gig economy. Our research on the future of work will inform our further work in this area of focus.

## Equality for children and young people

There was a high level of support for this proposed area of focus: 78% of organisations and 79% of individuals were supportive (see figure 1).

### Summary of responses

#### COVID-19 pandemic

Many responses recognised the impact that the pandemic has had on children and young people, and argued that we should act to make sure that children and young people receive targeted support to help them catch up.

#### Education

Some comments said the curriculum should prepare children for the world of work and the world outside of school, with education being both academic and vocational. Other comments called for a targeted approach for groups that had suffered disadvantage and discrimination in education settings in the past.

#### Disabled children

Several respondents raised the issue of discrimination against disabled children. This included a lack of resources for children with special educational needs and disabilities (SEND)[[7]](#footnote-7) and a lack of teacher training on how to teach children with attention deficit hyperactivity disorder (ADHD). Others said that children with disabled parents are more likely to be placed in care and queried what support exists.

#### Sex, sexual orientation and gender reassignment

Respondents raisedvarious issues in relation to these protected characteristics. They expressed concerns about the erosion of girls’ rights, with calls for us to produce guidance on sex-based rights and single-sex spaces in schools. Some responses highlighted fears of recrimination if individuals questioned sexuality or gender-based rights. Respondents commented on this theme from religious perspectives as well as from lesbian, gay and bisexual viewpoints. Some responses focused on lesbian, gay, bisexual and trans (LGBT) children. These included competing views on whether parents should always be included in medical decisions relating to their children, mainly in relation to gender reassignment.

#### Other feedback

Other suggested priorities for us in this area included work on safeguarding, children in social care settings and restraint in education settings. We also received feedback that our work should include poverty alleviation and the financial support of underprivileged children and young people.

### How we are responding

We have integrated many of the comments and suggestions from the consultation into our programme of work for this area of focus, including to be more explicit about our role as Britain’s equality and human rights regulator.

We heard strong support for addressing the challenges that specific groups of children and young people face, both in education and in the world of work. Over the next three years, we will work to tackle the disproportionate impact of the pandemic on lost learning and work with other regulators and bodies to address unfairness in the awarding of qualifications. We will address discrimination in exclusions, behaviour policies and failures to make reasonable adjustments in schools. We will also work to tackle barriers to equaltraining and work opportunities for young people, including for disabled young people.

Respondents called on us to take action in relation to safeguarding, on social care for children and on restraint in education settings. We will use our legal powers to address breaches of children’s rights in institutional settings. We will work closely with other regulators to increase our impact and make sure we are not duplicating effort.

There were several comments relating to sex-based rights and single-sex spaces in schools. We will publish guidance on single-sex spaces and will consider what further work is needed in this area. Many of the comments we received in this area are reflected in our work to foster good relations between groups (see section 3.6) where we will look at the role of schools and other educational bodies in promoting the value of equality and human rights and respect for others.

## Upholding rights and equality in health and social care

75% of organisations and 82% of individuals supported this proposed area of focus (see figure 1).

### Summary of responses

#### ****Effects of the COVID-19 pandemic****

Many respondents noted the effects of the COVID-19 pandemic on the health and social care system. Most said that the pandemic had either reduced the quality and inclusivity of the NHS and social care or worsened problems that had already existed.

#### ****Fair treatment for specific groups****

There were many calls for fair treatment of specific groups in health and social care. Disabled people, children, older people and trans people were the groups mentioned most frequently.

#### Single-sex exceptions

Many responses related to single-sex spaces and the exceptions that could be applied to them, focusing on the rights of women, disabled people and older people to be able to express preference about the sex of their caregivers. There were also calls for the protection of single-sex hospital wards and psychiatric clinics.

#### Funding

Some respondents commented that, if human rights to health and social care are to be realised, adequate and timely funding must be provided throughout the health and social care system.

#### ****Accessing services****

Several responses related to the accessibility of the health and social care system, commenting that it should be accessible to all. They mentioned infrastructure and transportation as barriers to accessibility.

### How we are responding

We are grateful for the many comments from respondents on equality and rights in health and social care. We have considered where we can have most impact with our unique statutory powers. We will focus our work on promoting a rights-based approach to the treatment of people in health and social care settings and to those using adult social care in the community.

We will work to tackle discrimination and inequality in the access to, and experience of, services by people with protected characteristics. This is likely to include work on the disproportionality of deaths in maternity services and support for trans people to access healthcare and support. We will undertake this work by influencing policy-makers, and by publishing guidance and taking legal action where necessary.

We have noted the calls to focus on single-sex spaces in health and social care settings, and we will publish guidance on single-sex spaces. We will consider what further work is needed in this area over the life of our strategy.

## 3.5 Addressing the equality and human rights impact of digital services and artificial intelligence

73% of organisations supported this proposed area of focus, as did 63% of individuals (see figure 1).[[8]](#footnote-8)

### Summary of responses

#### Algorithm bias

Some responses raised concerns that algorithms reflect the bias of those who design them. Some felt that bias within algorithms could risk increasing inequalities that already exist, especially those relating to sex and race. Several responses said that the way to avoid bias was greater diversity among those designing algorithms. Some comments raised concerns about the use of algorithms in recruitment and employment and how this could result in discrimination against those with protected characteristics.

#### Inequality of access

Many respondents commented on barriers to accessing digital technology and how this could increase existing inequality. Some said that inequality had worsened during the pandemic due to the rapid shift of services online. Responses identified older and disabled people as being particularly at risk of digital exclusion. Some said provision should be made for those who do not want to participate digitally, while others called for a national education campaign to ensure this group of people were not left behind.

#### Regulatory framework and monitoring

Respondents expressed concerns about the potential for artificial intelligence to increase inequality. Most respondents thought this would happen through lack of access to technologies and education, but also if regulation is not robust enough. We received mixed feedback on whether we should have a role in this area. Some thought this was beyond our scope; some said that we should work with others, including Ofcom, to have the biggest impact.

#### Safeguarding

Many respondents shared concerns about safeguarding, particularly on the safeguarding of children and disabled people. Some said we should have an enforcement role in this area.

### How we are responding

We have now made it clearer in our strategy that, as a result of the widespread move to digital services, our work should focus more explicitly on the protected characteristics most affected by digital exclusion.

Given the strong support for addressing bias in algorithms, and the negative impact this can have on specific protected characteristic groups, we will continue to work on artificial intelligence and recruitment. We will take enforcement and other legal action so that recruitment and other employment practices are not biased and do not breach human rights.

The feedback to our consultation called for us to work on online harms and safeguarding. We have integrated this into our strategy and will work to tackle bullying, discrimination and abuse online against those with protected characteristics, while safeguarding freedom of expression. We will advise decision-makers on legislation and policy, and we will work with other regulators to improve regulation to protect people from harm, to develop guidelines and to promote good practice. We will draw on our unique role as Britain’s regulator of equality and human rights so that the application ofartificial intelligence and digital technologies does not discriminate against protected characteristic groups or breach human rights.

## Fostering good relations and promoting respect between groups

There was a high level of support for this proposed area of focus, with support from 78% of organisations and 80% of individuals who responded (see figure 1).

### Summary of responses

#### Divisions in society

Some responses called for us to acknowledge existing divisions in society. Many of these comments related to tensions between those advocating for women’s rights, faith-based rights, LGB rights and trans rights. Some said that healthy debate and discussion should not mean that rights are compromised.

#### Divisive role of media

Many commented on the role of the media and social media in creating division. Several respondents said that, until mainstream media and social media are less biased, a healthy debate on contentious issues remains unlikely. Responses identified some groups, particularly some ethnic minorities and trans people, as being treated unfairly by the mainstream media; women and trans people were seen to receive abuse on social media.

#### Our role

Some comments criticised us and expressed concerns that we may have lost the trust of some trans and ethnic minority individuals. Many respondents called on us to issue clear guidance for schools, companies and organisations on what they should do to find a balance between the rights of different protected characteristic groups, most notably between sex and gender reassignment. There was support for us to promote respectful exchanges of opinion and bring groups together on contested issues, such as the rights of trans and non-binary people. Others said we have a role to educate people on their individual rights in general, within schools and education and more broadly.

### How we are responding

Over the next three years, we will contribute to public debates and clarify the law on equality and human rights issues, particularly in the area of balancing competing rights. We will work to foster good relations between groups by playing a convening role in debates on equality and human rights issues, while upholding freedom of expression. We will bring people together to explore the implications of how the law is interpreted and used. We will continue to show leadership by navigating and communicating balanced, evidence-based positions on challenging equality and human rights issues.

Our new strategy will also build on our work on human rights education, encouraging schools and other educational bodies to promote the value of equality and human rights and respect for others. We will work with sports bodies and other service providers to promote respect for others and prevent prejudice. We will build on current work to eliminate racism in cricket by engaging with regulators and governments to eliminate discrimination in all sport in Britain.

## 3.7 Ensuring an effective framework to protect equality and human rights

There was a high level of support for this proposed area of focus, with support from 80% of organisations and 78% of individuals (see figure 1).

### Summary of responses

#### Our role and how we work

Responses included calls for us to:

* take more enforcement action
* strengthen our role in upholding the Public Sector Equality Duty
* defend free speech
* protect people against hate speech
* facilitate a more healthy debate about contentious issues, and
* hold government to account.

Comments on our role as a National Human Rights Institution focused on the need for us to protect and promote human rights and engage in the international human rights framework.

Some comments focused on how we could improve our communications, including by publicising our successes more effectively so that the mainstream media picks them up. Some respondents questioned the validity of our work if our staff do not have the relevant lived experience or if we do not involve those with lived experience in our work.

#### Targeted action and preventative strategies

Some comments said that we should concentrate on targeted action on specific groups to address existing inequality. Others said that, while they were supportive of our proposed areas of focus, the draft strategic plan was too reactive. These respondents wanted to see an emphasis on preventative strategies to stop discrimination from occurring rather than responding when problems happen.

#### Accurate data recording

Some comments urged us to prioritise getting better, more accurate data across protected characteristics. Specific comments related to the need for better data on disability and LGBT groups. Some respondents expressed concerns about data accuracy in relation to recording sex and gender identity.

### How we are responding

We accept the need for us to take targeted action on specific groups, and have incorporated this into our 2022–23 business plan. In developing our work, we have looked at the evidence of which specific protected characteristic groups are most affected in each area of focus. We will collect data on the impact of our work on those sharing protected characteristics, in line with our duties under the Equality Act.

Our strategy now sets out more clearly how our functions will contribute to us becoming a modern, effective regulator. Promoting awareness and understanding of the human rights framework is central to our role as a National Human Rights Institution. Our strategy now also provides more information on our role as a National Human Rights Institution, how we engage with the international human rights framework, and how this relates to our domestic regulatory functions.

A robust evidence base on the most pressing equality and human rights challenges facing Britain is essential for public bodies and governments to prioritise areas of need and fulfil their obligations under the Public Sector Equality Duty. Over the next three years, we will also publish our statutory report to Parliament on the state of equality and human rights in Britain, with associated reports for Scotland and Wales. We will also update our data and evidence strategy to identify where there are information gaps or challenges in the availability and quality of data on equality and human rights in Britain.

## Other feedback

### Summary of comments

We asked respondents whether they felt the proposed plans missed any areas of focus or if they had any additional feedback. The comments received focused on poverty and socio-economic inequality, violence against women and girls, and climate change, which were the main areas that respondents said were missing from our proposed plans.

### How we are responding

We will address these issues by including specific work on these topics under our six areas of focus, rather than creating new programmes of work. For example, we will examine how socio-economic disadvantage intersects with protected characteristics groups and what this means for addressing inequality. But our powers do not allow us to address wider economic issues around poverty more directly.

We will address issues relating to violence against women and girls as part of our work on equality for children and young people, as well as elsewhere.

We will also scope work on the equality and human rights implications of climate change to explore where there is overlap between this and our six areas of focus. This may be in relation to work on ensuring equality for children and young people and fostering good relations between different groups. We will work with other organisations, including other National Human Rights Institutions, to learn from their good practice in this area.

# Contacts

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1. In the 2022–25 consultation, 69% of respondents said sex was an important protected characteristic to their responses compared with 40% in 2019–22. For sexual orientation it was 42% in 2022–25 and 31% in 2019–22. For gender reassignment it was 32% in 2022–25 and 26% 2019–22. [↑](#footnote-ref-1)
2. 403 additional responses to the survey were submitted but these were blank and were not analysed. [↑](#footnote-ref-2)
3. Organisations could select more than one type. [↑](#footnote-ref-3)
4. For example, only 37 individuals from Scotand and 14 individuals from Wales completed all questions. [↑](#footnote-ref-4)
5. Respondents could select more than one protected characteristic. [↑](#footnote-ref-5)
6. Base for work: 60 organisation and 358 individual respondents. Base for children and young people: 67 organisation and 419 individual respondents. Base for health and social care: 63 organisation and 375 individual respondents. Base for AI and tech: 56 organisation and 338 individual respondents. Base for good relations: 58 organisation and 345 individual respondents. Base for legal framework: 80 organisation and 512 individual respondents. [↑](#footnote-ref-6)
7. The UK Government uses SEND (Special Educational Needs and Disability) whereas Scotland uses Additional Support for Learning and Wales uses Additional Learning Needs. [↑](#footnote-ref-7)
8. This area received fewer comments. Some responses conflated the areas of articifical intelligence and social media, and many addressed social media companies, and the perception that they limited freedom of speech or allowed hate speech. [↑](#footnote-ref-8)