

Draft for consultation

# Our strategic plan for 2022–25

August 2021

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# 1 Our vision and purpose

## Our vision

*A society built on the foundations of equality and human rights, improving everyone's lives and helping people in Britain live well together*

## Our purpose

*To promote and uphold equality and human rights laws and standards across England, Scotland and Wales, so that everyone gets a fair chance in life*

## How we work

*In everything we do, we pride ourselves on being independent, authoritative and agile*



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## Our vision

Our vision is for a society built on the foundations of equality and human rights, improving everyone's lives and helping people in Britain to live well together. These foundations are fairness, equality of opportunity, dignity and respect.

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## Our purpose

To promote and uphold equality and human rights laws and standards across England, Scotland and Wales, so that everyone gets a fair chance in life.

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## How we work

We uphold people's rights without fear or favour. We use the full force of our legal powers to defend people from unfair or unequal treatment and to challenge breaches of the law.

We bring people together to create change. We work with employers, governments and a wide range of organisations to promote understanding of equality and human rights, and we support them to make improvements in practice.

We influence and grow understanding through our insight and expertise. We share our evidence on injustice and inequality across all aspects of people's lives, and we encourage innovation and change.

Our work is relevant to every part and every person in Britain, but we know we can't do everything and we know we can't do it alone. We have to work with others and secure their support to achieve our vision. And we have to make tough decisions on where, how and when to spend our time and energy.

In everything we do, we pride ourselves on being:

- independent
- authoritative
- agile.

## Our legal duties

We are Britain’s national equality body and a United Nations accredited ‘A status’ national human rights institution. Our role, duties and powers are set out in the Equality Act 2006. We enforce the Equality Act 2010, which makes it unlawful to discriminate against individuals based on the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

We advise central and devolved governments on how effective equality and human rights laws are, and we measure and report on progress towards equality and human rights outcomes over time.

We also promote equality of opportunity, work to end unlawful discrimination and harassment, and protect and promote human rights. This includes monitoring and reporting to the UN on how well the UK is meeting the commitments in the seven international human rights treaties it has signed up to.

## Our powers

We have a range of powers that allow us to fulfil our duties. We provide expert advice to people who make policies and laws on equality and human rights. We carry out and commission research to improve understanding of particular issues and to find out how effective our work is in progressing equality and human rights. We also report to Parliament on progress made towards equality and human right outcomes.

As a regulator, we help organisations do what they should, but we are ready to hold them to account if they fall short. We have powers to help organisations meet their legal duties, including providing advice and guidance. We can also conduct inquiries to uncover barriers to progress and make recommendations for improvement.

When these methods don't work, we have enforcement powers we can use to achieve lasting change. We can:

- conduct investigations to find out whether an organisation has breached the Equality Act 2010, and make legally binding recommendations
- enter into agreements with organisations on the actions they need to take, and
- assess whether organisations are meeting the Public Sector Equality Duty and give them compliance notices if they are not.

We provide legal support and we can intervene in legal cases and take our own legal action through the courts. We do not get involved in every issue or dispute. We take legal cases and enforcement if we think it is the most effective way to make the law clearer or to create change in a particular sector, such as retail or transport.

## How we work across England, Scotland and Wales

Our role extends across Great Britain. We make sure that the action we take to improve equality and human rights is relevant to the devolved contexts of Scotland and Wales. Our Scotland and Wales Commissioners and Committees help us identify and make the most of those opportunities.

We have developed a three-nation approach to planning our work and allocating resources. It helps us to understand, from the start, how our work is relevant to the devolved nations and to devolved decision-makers in England.

Our human rights work in Scotland covers issues that relate to matters reserved to the UK Government. The Scottish Human Rights Commission (SHRC) covers devolved matters, such as health and education. We work closely with the SHRC where we have a shared interest in improving human rights on specific issues. Where areas of focus set out in this plan relate to human rights in Scotland, we will work on these in reserved policy areas only. If they relate to devolved powers, we will work on these, where appropriate, with the SHRC's agreement.

## 2 The challenges to fairness facing post-COVID Britain

The coronavirus (COVID-19) pandemic will be a defining point in history, which has the potential to reshape our economies, our communities and our culture.

We have seen enormous upheaval over the last year. The pandemic, and the response to it, has shaken our ways of living and interacting with each other. It has brought existing inequalities into sharper focus and highlighted human rights challenges, including the need to balance different rights, such as the rights to life and to family life. It has disrupted our schools, workplaces and communities, and our public services and businesses have had to respond to unprecedented challenges.

The COVID-19 pandemic has accelerated and changed the course of social changes that were already underway, creating challenges and opportunities for equality and human rights. For example, the world of work is changing rapidly. Changes to working patterns, more flexible working and increasing automation have opened up opportunities for some, but left some groups more vulnerable to disadvantage.

Young people face huge challenges because of disruption to their education and lost employment opportunities, as well as challenges to their mental health and wellbeing. We know this has affected some groups of young people more than others.

The experiences of older and disabled people living in care homes through the pandemic raise serious issues about how our society treats and values them. Many of these issues will leave a lasting legacy that will remain over the course of this strategic plan and beyond.

There are also significant environmental and technological changes happening that we can't ignore. The use of emerging digital technologies, including artificial intelligence, in all areas of life has the potential to deliver significant benefits, but could also systematise and embed discriminatory decision-making and risk excluding some groups. Climate change is one of the defining challenges of our time. The effects of climate change, directly and indirectly, threaten the full and effective enjoyment of a range of human rights, and we must make sure that progress towards equality and human rights supports a sustainable future. These issues are relevant to all of society, now and in the future.

The sense that people are not being treated equally or fairly can create division between individuals and communities. On many issues there is an increasingly divisive public discourse, as well as debates and disagreements about the limits of freedom of expression. This can reinforce prejudice and prevent progress towards a cohesive and rights-respecting society.

Using this plan, we want to make sure that Britain rebuilds from the pandemic in a way that puts equality and human rights considerations front and centre. We will use our powers and levers to respond to these challenges – to improve laws, open up opportunity, challenge discrimination and bring different perspectives together to help create a society in which everyone has a fair chance. We will bring together learning from England, Scotland and Wales on what works to achieve progress.

By putting equality and human rights at the heart of decision-making, society will be able to move forwards in a fairer way, creating more equal access to opportunity and the conditions for everyone in Britain to lead a more fulfilling life.

# 3 Working for all of society, as the champion of equality and human rights

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## How we will use our powers to achieve change

We will use our powers in three main ways to achieve lasting change:

- The foundations of any society that respects and promotes equality and human rights are its laws and policies. We also need data and evidence to understand how well these are implemented, and what is happening to people in practice. That is why we provide expert advice on the development and effect of laws, support and intervene in legal cases to improve and clarify the law, and commission and carry out research.
- A strong legal framework on its own is not enough. We also need people and organisations to understand and follow the law. To do this we need to understand what influences behaviours, and how we can support, encourage and promote good practice. We will work in partnership with organisations and other regulators that have expertise in a particular sector, to help us understand barriers and develop solutions that promote and encourage respect for equality and human rights.
- Strong and quick enforcement action is sometimes needed to stop individual and systemic breaches of the law, and to send a clear message or change practice in a particular sector. We will not hesitate to use our powers to challenge discrimination and breaches of human rights, and we will make sure lessons are learnt.

We will assess how we can use our powers effectively, and in combination, so that we can achieve successful and wide-reaching progress on any issue. Some issues need intensive and detailed work, including those that involve our formal investigation and inquiry powers. Other issues are better suited to a more reactive and agile response.

## How we will prioritise what we work on

We have limited resources so we need to prioritise what we focus on. We will take a flexible and balanced approach so that we can plan proactively to achieve our aims over the longer-term, as well as using our powers to respond to issues that may emerge over the course of this plan.

To do this, we will use clear criteria to consider:

- the scale and severity of the issue
- the relevance of our powers and the extent to which we are likely to achieve a successful and wide-reaching outcome
- how relevant the issue is to one or more of our areas of focus, and
- what other organisations are doing. We aim to work in partnership but not to duplicate the work of others.

We will build on the more agile business planning and resource allocation processes we developed over the last year to review our priorities quarterly. In section 4 of this plan, we explain how we are developing our capabilities to become a more agile, efficient and effective organisation.

Given the equality and human rights challenges Britain is facing, we set out the areas we will focus on in 2022 to 2025 below, and suggest how we will use our powers to achieve progress. These are not fixed categories; they are themes that we will use as part of our prioritisation criteria to inform more detailed planning on specific issues.

The scale and nature of our work under these areas of focus will vary. Some programmes of work will be very specific and targeted, some will be more developmental as we build our evidence base and knowledge, and others may span the lifetime of this strategic plan. Our annual plans will set out the detail of our work and what we want to achieve.

There are some cross-cutting issues, such as climate change, that we are not proposing as areas of focus. This is because they are very broad in scope and our powers are less directly relevant. However, we will still consider specific opportunities for influencing and collaboration in line with our prioritisation criteria.

The Public Sector Equality Duty is part of the Equality Act 2010 and all public bodies have to meet it. When carrying out their work, they must take into account the need to:

- eliminate discrimination
- advance equality of opportunity, and
- foster good relations between groups sharing protected characteristics.

We regulate the Public Sector Equality Duty and the Equality Act. As a public body, we also have to meet the requirements.

The law requires some public bodies, including us, to set equality objectives to advance the aims of the duty. Unlike many other public bodies, our key role is to advance the aims of the Public Sector Equality Duty. The outcomes we are looking for in this strategic plan will also form our equality objectives, and the feedback we receive from our public consultation will influence them. We will publish our revised equality objectives at the same time as our new plan, and we will share updates on progress in our annual reports.

## **Upholding an effective framework for protecting equality and human rights**

**Protecting and promoting equality and human rights law is central to our role, along with providing a strong and reliable evidence base on the most urgent equality and human rights issues to support others to meet their legal obligations.**

We will contribute to making sure that:

- The equality and human rights legal framework is maintained and strengthened where needed, and flagrant, serious and systemic breaches of equality and human rights law are challenged effectively.
- People have access to redress when their rights have been breached.
- Governments and public bodies use our authoritative and independent evidence to inform policies and decision-making.

We will achieve this by:

- Providing expert advice on legal and policy proposals that affect equality and human rights protections.
- Challenging flagrant, serious and systemic breaches of the law.
- Improving compliance with the Public Sector Equality Duty in England, Scotland and Wales, and the Socio-economic Duty in Scotland and Wales, to put equality at the heart of decision-making.

- Using our role as a National Human Rights Institution to track how well the UK is meeting its human rights obligations, and offering advice and support to improve compliance.
- Fulfilling our legal duties and delivering our mandate effectively, including in relation to our role as a National Human Rights Institution and national equality body.

## Fairness for children and young people

**Too many children and young people in Britain face discrimination and barriers to opportunity, from prejudice or a lack of proper support in education settings to unequal access to work. Many of these issues have been worsened due to the pandemic.**

We will contribute to making sure that:

- Children and young people have equal opportunity, with equal access to the support and resources they need to succeed in life.
- Schools are inclusive and support a rights-respecting society. All pupils learn about respecting difference and the importance of good relations, to promote understanding between different groups.
- Laws and policies across Britain protect the rights and opportunities of children and young people with different protected characteristics to improve their life outcomes.

We will achieve this by:

- Taking on legal cases to challenge discrimination:
  - in education, for example, where children and young people have been digitally excluded; or through school admissions, exclusions and being removed from school before having the opportunity to sit exams
  - in accessing work apprenticeships and training opportunities, and
  - in institutions such as care homes, detention centres, mental health detention and youth justice settings, to make sure the rights of children and young people in the most vulnerable situations are upheld and that they are able to challenge breaches of their rights.
- Working with public bodies to support compliance and good practice

with the Public Sector Equality Duty so that discrimination and disadvantage for children and young people is reduced.

- Showing how schools can: promote good relations; be inclusive and create a culture of respect between groups; and support the wider school community to do so, including parents, carers and families.

## Upholding rights and equality in health and social care

**Health and social care systems are struggling to meet demands, which the pandemic has added to significantly. These challenges can result in unequal access to treatment and breaches of people’s human rights and ability to live independently.**

We will contribute to making sure that:

- Discriminatory barriers that stop people from accessing health and social care services are understood and addressed.
- The legal and policy framework provides increased safeguards, promotes equality of opportunity for treatment, and protects the human rights of people at risk of or in mental health detention.
- Improved policy and practice reduces the inappropriate use of detention, restraint and isolation in mental health services, secure care and social care.
- Social care systems and services are free from discrimination and protect the rights of social care users and the people providing their care.
- The right to independent living is recognised in policies that support older and disabled people and is respected in practice.

We will achieve this by:

- Working closely with governments, service providers and regulators, inspectorates and ombudsmen (RIOs) to identify ways to reduce barriers to accessing health and social care services.
- Using our enforcement powers to challenge breaches of people’s rights in mental health detention, secure care and social care.

- Working with RIOs and service providers to improve policy and practice to reduce the inappropriate use of detention, restraint and isolation.
- Providing expert advice on how proposals to reform health and social care services affect equality and human rights.
- Promoting and protecting older and disabled people’s right to live independently by giving expert advice and guidance and supporting providers to improve practice.

## Fairness in a changing workplace

**The economy and our workplaces have faced upheaval in the last two years. Changes to the nature of work, including a sudden move to home working for many, as well as increasing automation, have created challenges for many people in relation to conditions, pay and progression in the workplace.**

We will contribute to making sure that:

- Employers are held to account for discrimination, harassment and victimisation so that all workers are treated fairly at work.
- The legal and policy framework protects and strengthens the rights of employees and prospective employees most at risk of discrimination.
- Discrimination in recruitment, progression and retention is challenged effectively to help improve employment practices, to make sure employers understand their legal duties and to improve equality of opportunity.
- As part of their plans to build back from the pandemic, governments take action to improve access to good, fair work and equal and favourable conditions for everyone, recognising in particular the positive contribution that older and disabled people can make to the workforce.

We will achieve this by:

- Supporting employers to make sure that their practices follow the law, are not discriminatory and ensure equality of opportunity.
- Taking enforcement action to hold employers to account for breaches of the law.

- Promoting flexible working to support equality of opportunity and more inclusive workplaces.
- Providing guidance on how the Equality Act applies to the use of new technologies in automated decision-making, and working with employers to make sure that using artificial intelligence (AI) in recruitment does not embed biased decision-making in practice.
- Providing expert advice and guidance on how the Equality Act applies to make sure it is clear how people can access proper protection in a changing workplace, for example, for people in insecure work.
- Continuing to enforce the Gender Pay Gap Regulations, taking action to expose unfair ethnicity and disability pay gaps, and providing expert advice on dealing with the factors that cause them.
- Promoting equal opportunities in the workplace, working with employers and governments to make sure there are adequate routes into work, including through apprenticeships, particularly for disabled people, older people and unskilled younger people.

## **Fostering good relations, promoting respect between groups and understanding of rights**

**The sense that people are not being treated equally or fairly can create division between individuals and communities. Divisive public discussion, amplified by the media and social media, can reinforce prejudice and divide communities.**

We will contribute to making sure that:

- Education and community activities promote understanding, respect for difference, and more integrated and cohesive communities.
- Local and regional institutions develop inclusive and resilient communities and economies by integrating equality and human rights considerations, and fulfilling their Public Sector Equality Duty obligations.
- Individuals can take part in political and public discussion on complex and challenging topics respectfully.

We will achieve this by:

- Improving our understanding of racial discrimination, harassment and prejudice and taking action to stop it. This will include working with the Government on its programme in response to the Commission on Race and Ethnic Disparities' report.
- Supporting the education system to provide the foundations for mutual respect and understanding of rights.
- Dealing with discrimination so that community activities such as sport are inclusive.
- Working with local and regional institutions to support fair access to the opportunities provided by regional investment.
- Providing leadership to create the conditions for tolerant and respectful sharing of views online, including through developing regulatory frameworks for social media in a way that is consistent with the law.
- Facilitating and creating the conditions for constructive and respectful dialogue between people with different views.

## Artificial intelligence and emerging digital technologies

**Systems based on machine learning and algorithms are changing how organisations recruit staff, make decisions and provide services. These technologies have the potential to bring benefits, but also pose risks to equality and human rights. An increasing focus on digital services can risk excluding people who cannot access them.**

We will contribute to making sure that:

- Improvements in policy and practice reduce barriers to accessing digital services for people with certain protected characteristics.
- People understand how the Equality Act 2010 applies to the design and use of automated decision-making, and how discrimination that might arise through algorithmic biases can be identified and challenged.
- There is improved understanding of how the Human Rights Act applies to the use of new technology in terms of privacy, surveillance and the use of data.

- The law is updated in line with the development of new technologies to protect people from discrimination and breaches of their rights.

We will achieve this by:

- Supporting service providers to understand how digital exclusion affects people, and how to use technology to make services more inclusive.
- Working with expert organisations and other regulators to identify and challenge discrimination in relation to AI and emerging technology, and to embed fairness and equal treatment.
- Making rights and freedoms in the digital age clearer, including how the Human Rights Act applies to privacy, surveillance and the use of data.
- Identifying gaps in the law created by the development and use of new technologies, and advising on how the law can be updated to provide protection from discrimination and breaches of rights.

## 4 An independent, authoritative and agile organisation

This is an ambitious plan that will be delivered against the economic and social challenges of recovering from the COVID-19 pandemic. Equality and human rights will be more important than ever and the challenges of balancing different rights will be more profound.

While we have a proud record of achieving our objectives, we recognise that we need to increase our capabilities to match our ambitions, while showing the highest standards of efficiency and accountability to the public and Parliament.

We have many strengths and areas of expertise. However, looking ahead to the ambitions and context of this plan, we know we need to respond and adapt quickly to the challenges of the day. This includes explaining clearly to our stakeholders what our role is and what we work on as an independent regulator and expert organisation.

To do this, we will complete a programme of transformational change in four main areas.

### Our mission and strategy

We will communicate our strategy clearly in a way that provides direction, inspires and motivates the whole organisation and allows us to use all our expertise. In becoming more agile we will use our strategic plan for 2022–25 to prioritise our work and be open about the choices we make. We will deliver projects effectively and show how our work affects people across England, Scotland and Wales.

### Our leadership and culture

We will embed a culture of accountability and delivery throughout the organisation. We will work together internally and with partner organisations, aiming for excellence in everything we do. Our leadership team will lead by example, with a culture of high performance, strong visibility and engagement.

### **Our processes and ways of working**

We will put in place processes and systems that help to make us more agile and efficient and encourage a culture of working together to deliver our objectives. We will bring high-quality planning to our work so that we can achieve our objectives quickly. Our culture and ways of working will allow us to work as a modern, professional organisation. We will be outward facing and put in place ways of working that prioritise real-world change.

### **Our professionalism and expertise**

We will embed a strong culture of professionalism where expertise is recognised and valued and we have clear development pathways for staff across the organisation. We will plan our approach to recruitment and retention to make sure we have the expertise we need now and in the future. We will support and guide our people to work with confidence and deliver our aims successfully.

This will need investment and commitment. Over the next three years, we will complete a wide range of projects in these four areas of work. We will report regularly on progress to our Board of Commissioners.

We will consider how we can improve across all areas of the organisation, building on our strengths, addressing weaknesses and getting the most out of the resources available to us.

We will learn lessons from other regulators and high-performing organisations and identify areas where we could work together. Doing so will help us to deal with discrimination effectively, challenge injustice and promote human rights across Britain.

We will review the programme regularly and it will evolve over the lifetime of this plan.

## Contacts

This publication and related equality and human rights resources are available from [our website](#).

Questions regarding this publication may be addressed to: [correspondence@equalityhumanrights.com](mailto:correspondence@equalityhumanrights.com).

For information on accessing one of our publications in an alternative format, please contact: [correspondence@equalityhumanrights.com](mailto:correspondence@equalityhumanrights.com).

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## EASS

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.

Telephone 0808 800 0082

Textphone 0808 800 0084

Hours 09:00 to 19:00 (Monday to Friday)  
10:00 to 14:00 (Saturday)

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