

THE EQUALITIES REVIEW

Fairness and Freedom:

The Final Report of the
Equalities Review:
A Summary

February 2007

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Foreword

Even in the most tolerant of societies, some things should always remain intolerable. Each of us could make a list of the features which we think should have no place in a fair, free and just society.

Most lists would probably include the wanton violence which destroys young lives and devastates families. Many would add an often crushing disregard for the rights of children, older people or disabled people by those who should be using their authority to improve lives. Others would cite the complacency that consigns women and men to preordained roles in life, and the prejudice that confines some to society's dustbin purely because of the colour of their skin. And behind all this looms a persistent material, cultural and moral poverty that blights many homes.

But a long-term vision for our society should be founded upon what it wants to be rather than what it is not. This Report is entirely about one of the – if not the – most cherished aspirations of the British people: to live in a society that is fair and free, and which provides for each individual to realise his or her potential to the fullest. At root, this is what we should mean by an equal society.

This broad and positive vision is not always what we think about when we use the word 'equality'. As this Report shows, for very good historical reasons, much of recent generations' effort to make Britain fairer has been focused on prevention: in particular, stopping the abuse of power by both individuals and institutions to discriminate against people on specific grounds – gender, ethnicity, and disability. In the past few years, disquiet about attitudes to sexual orientation, religion or belief, transgender, and age have added to that list. We expect the disadvantages facing other groups, such as carers, to become equally significant in the years ahead.

For each of these groups, the first and urgent task has been to lessen the baleful influence of prejudice and to remove the grinding reality of everyday discrimination and harassment. There is no doubt that we have done better than many other countries. Britain has more advanced and effective equality legislation than most other states; our current equality Commissions – the Commission for Racial Equality (CRE), Disability Rights Commission (DRC) and Equal Opportunities Commission (EOC) – and the forthcoming Commission for Equality and Human Rights (CEHR) represent an institutional framework to combat discrimination that is unrivalled in Europe.

But as we show in this Report, we are far from eliminating disadvantage. Inequality still scars our society.

Yes, everyone has the vote, but on present trends even when the great-great-grandchildren of today's legislators at Westminster cast their votes, they will not enjoy the sight of a Parliament with equal numbers of men and women, or substantial numbers of ethnic minority MPs.

Yes, progress is being made to remove barriers to participation by disabled people, but on current trends it is unlikely that the employment disadvantage they face will ever be overcome. And yes, there is a far wider recognition of the diversity of identities which enrich our society, yet bullying and hate crime against lesbians and gay men, and conflict arising from differences of religion, belief and culture still stand high on the public agenda.

And despite our successes, some kinds of inequality remain at levels that can only be described as intolerable, particularly in education and employment. These are fundamental to the life chances of every person. What is more, our research shows that new economic and social trends – globalisation, for example – will either freeze those inequality gaps or widen them during this century.

In short, when it comes to creating a fairer, more equal society, we have made substantial progress and continue to do so. But that progress is fragile and uneven. In too many areas we have stopped the clock; in some it is starting to turn backwards.

Yet the most up-to-date evidence shows that a fairer, more equal society will be more productive. Surveys show that it is a high priority for the British people. The case for a more determined drive towards greater equality seems almost irresistible. So why do we avoid taking decisive steps to create it? One reason is that, in the public mind, recent history has associated the idea of equality with bureaucratic finger-wagging and legal restriction. Unfair as this charge may be, unless the British people are persuaded that equality is a liberating rather than an oppressive ambition, it will remain an unfulfilled aspiration.

In this Final Report, we make the case for equality in positive terms. If we are to unlock the talents of all our people then we need to give everyone an equal chance to contribute. We produce evidence to show that, in spite of many advances, we are still a society in which too many people's destinies are determined by who and what their parents were, and where they were born. And we warn that, though we do need to provide more modern laws that will enable us to remove some barriers to success, legislation will not by itself deliver a better, fairer, more equal society. That is also the task of the education system, crucially in the early years; of the labour market in becoming more flexible and embracing a wider range of people; and of the political system in empowering the many voiceless in our society. This Report provides some of the data, analysis, tools and policy that could help individuals and institutions to tackle these challenges.

This Report does not dwell heavily on the roles and responsibilities of civic society, families or individuals. That is not because we do not regard it as essential for people to take ultimate responsibility for their own actions; or for communities and families to act to raise their own aspirations. In the end, neither government nor public institutions will do what we need to do for ourselves. However, they can either enable or inhibit us in our own efforts to overcome prejudice and systemic bias. And in the area of the most persistent inequalities, it has become clear to us that one of the major reasons that some disadvantages are intractable lies in the fact that the very desire to take responsibility for bettering one's own life chances can be crushed by the reality of prejudice and bias.

A young woman from an ethnic minority may be talented and hard-working, but she is unlikely to be motivated as long as she can see the efforts of her parents or older siblings being frustrated by sexism or racism. That perhaps partly explains why Pakistani and Bangladeshi young women are three times as likely as similarly qualified White women to take a job for which they are over-qualified.

A gay couple, or a Muslim family, can be as keen as anyone else to participate in the life of their communities, but they won't stand for office if they feel cold-shouldered by the local political establishment. And why would a person with a mental health condition voluntarily seek to leave the income security of incapacity benefit to work when half of employers say they wouldn't recruit someone for that very reason?

This Report does not place all responsibility on government or public institutions – but it does show clearly that public institutions and public leaders carry a profound responsibility to create the conditions that will liberate the aspirations of those trapped by persistent disadvantage.

Our Report is of course the work of many hands. The Panel and Review Team listened to and spoke face to face with hundreds of experts, activists, and others with valuable information and experiences. The team sifted hundreds of responses to our initial call for evidence and then to our Interim Report. We are grateful to everyone who shared their ideas, opinions and stories with us.

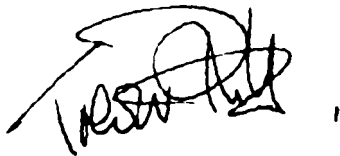
We had the support of many organisations and individuals. We are especially grateful for the counsel of the advisory Reference Group led by Sir Bert Massie and Jenny Watson, Chairs of the DRC and EOC respectively. Much of the research work and the responses to consultation are available in the companion reports which are web-published alongside this one and can be found at www.theequalitiesreview.org.uk.

This Report was commissioned by the Prime Minister, and will be presented to him on publication. It is, however, written entirely independently of government. I am grateful to our sponsoring Secretaries of State, Ruth Kelly and Hilary Armstrong, for their support.

I would like to register my personal thanks, as well as those of my colleagues on the Panel, to the small team of civil servants who supported the Panel during the Review, for their diligence and creativity.

And finally, I would like to pay tribute to my fellow Panel members Dame Judith Mayhew Jonas and Sir Robert Kerslake for their thoughtfulness, industry, and above all for their courage.

This Report is about a country that is better than the one we now live in: more at ease with its diversity, more equal, more just and above all fairer. None of our findings should be controversial, as they are based on sound research and wide consultation. A few of our conclusions may be less readily embraced by some, as we have tried to avoid the temptation to anticipate criticism and adjust our findings to avoid it. We believe that equality is too important for timidity or half-measures. The truth is that it is in everyone's interest for us to be that better, fairer society – but to get there we will have to make some inescapable choices. Our first choice is whether we act now or whether we leave the hard work to future generations. This Report shows why we can't wait.

A handwritten signature in black ink, appearing to read 'Trevor Phillips', with a large, sweeping flourish above the name.

Trevor Phillips
Chair, Equalities Review Panel
February 2007

Executive Summary

In **Chapter 1**, we look at what equality is and why it matters.

In Britain, this is a particularly important moment in time for equality and we need to act now. The right conditions are all with us and this opportunity is unlikely to arise again: the Commission for Equality and Human Rights (CEHR) will take over its full range of functions in October 2007; the Government's Comprehensive Spending Review is taking place just at the right time to take on board the Review's findings; and the Discrimination Law Review is overhauling the current anti-discrimination legislative framework. More and different action is needed if we are to address those inequalities that are proving particularly hard to shift, where progress is very slow. We propose a more holistic approach: a new framework for working towards equality.

We set out data showing that at the present rate of progress it may take some decades to achieve parity in employment or education for some groups; over 75 years in the case of women's political representation and equal pay, half a century in the case of educational attainment of some ethnic minority children. We finally argue that modern equality policies will benefit the community as a whole; and that they will target groups not commonly considered, for example the children of poorer White families and poorer White boys in education.

In particular, we need a new definition of equality that will be relevant to our society now and in the future. Traditional approaches – based on equality of outcomes, opportunities, process and respect – have either resulted in a focus on income, or wealth, rather than on all the aspects of life that are important to people in leading a fulfilling life, or have not taken serious consideration of the economic, political, legal, social and physical conditions that constrain people's achievements and opportunities. This has meant that we do not have a consistent and clear understanding of the causes of inequality and what to do about it. The Review's approach draws on these traditional concepts but overcomes their limitations: it recognises the equal worth of every individual, as reflected in human rights principles; it is sensitive to both outcomes and opportunities, and recognises the necessary role of institutions in removing barriers and making sure that opportunities to flourish are real. An equal society seeks equality in the freedoms that people have to lead a fulfilling life.

Our definition of an equal society

An equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would choose, so that everyone can flourish.

An equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and can be.

The new approach we propose is also very practical and allows us to measure and track progress towards equality. We set out a framework for measuring inequality that is based on ten dimensions – freedoms and activities that people have reason to value – derived from international human rights principles and consultation with the general public, including groups at high risk of disadvantage.

Achieving equality means narrowing gaps in people's educational attainment, employment rates and real opportunities open to them. There is now strong evidence that a more equal society benefits us all. A more equal society does not constrain growth and prosperity. On the contrary, by focusing on those groups who experience persistent disadvantage because of factors beyond their control, a more equal society uses scarce resources more efficiently, increases the level and quality of human capital, and creates more stability, all necessary to growth and prosperity. So, a more equal society does not need to drag down those at the top, discourage people's desire to excel or hold back those who exercise more effort. But it does need to focus on those at the bottom end and make sure that their achievements improve at a faster rate than those at the top. Equality is also a shared value in our society: we are traditionally concerned about equality and, even in the wake of the London bombings in the summer of 2005, our commitment to equality was not affected by heightened concern about security.

In **Chapter 2**, we put our Review in context by looking at the 100 year frame: what has happened over the last 60 years and what potential changes are over the horizon in the next 40?

Over the last 60 years there have been landmark improvements in addressing the starkest aspects of inequality and discrimination faced by different social groups. This has been achieved through hard-fought campaigns and struggles, political leadership and powerful economic and social trends. Many of the battles for equality since the 1940s have been about ensuring that access to public goods is a reality for everyone, and ensuring that different groups have been afforded the legal protection offered to others. Progress has been made, but entrenched inequalities in education, employment and quality of life remain, prejudice towards certain groups is still a strong feature of our society and future trends indicate that there are threats on the horizon which may push us backwards rather than forwards.

Legislation against discrimination has been very important in raising the profile of equalities issues; it has helped to establish the public value of eliminating prejudice and unfairness, given representation and voice to different groups and ultimately made a difference to people's behaviour. Equally important has been the expansion in social and employment rights from Beveridge onwards which, although aimed at the general population, worked to the benefit of the most disadvantaged.*

Past action to promote equality occurred piecemeal, in reaction to immediate social pressures. Now there are clear signs that this approach has run out of steam. Britain is increasingly subject to global economic and social influences as a result of growth in technology and increasing globalisation. Internally, too, the nature of inequality will alter as a result of demographic changes and labour market pressures, in particular an ageing, more ethnically diverse and proportionally more disabled population.

As the drivers of future trends evolve, the tools that are used to effect change have to evolve in response. The old approach of a top-down state which pulls levers to improve outcomes for particular groups is no longer appropriate or effective. We must take account of the ways in which an enabling state operates in the 21st century and ensure that we focus on ends and not means. We must acknowledge the multi-dimensionality of inequality and tackle change across economic, social and political spheres. Our approach must empower people in local communities to promote equality in ways most suited to their own needs, and be based on shared rights and responsibilities for government, employers, public services and citizens.

In **Chapter 3**, we look at some of the worst, most persistent inequalities in our society today. We highlight inequalities in the early years, education, employment and retirement, health and crime and justice. And we highlight some areas of progress from which lessons may be learned.

In the early years, we find that:

- What families do for their under-fives in the home is very important to future learning and behavioural outcomes. In the early years the protective effect of a good Home Learning Environment is more influential on a child's development than parents' qualifications, income or ethnicity, and the effect persists even to age 10.
- Boys and children from some ethnic minority groups tend to experience poorer Home Learning Environments.
- The quality of pre-school education is also very important to future learning and behavioural outcomes, especially for disadvantaged or vulnerable children: a high-quality pre-school, whether attended part-time or full-time, can reduce the risk of future Special Educational Needs (SEN) and can even partially compensate for a poor Home Learning Environment.

* The Beveridge Report, authored by William Beveridge in 1942 (officially the *Social Insurance and Allied Services Report*), formed the basis of the 1945–51 Labour Government's legislation programme for social reform.

- Poorer White families and some ethnic minority families, such as those of Pakistani and Bangladeshi origin, are less likely to use pre-school education for their children. Many disabled children are unable to go to pre-school because appropriate provision is limited.

At school age and in transition to adulthood, we find that:

In England:

- There are significant and persistent attainment gaps for pupils from Gypsy/Roma and Traveller of Irish Heritage backgrounds throughout primary and secondary school, who "linger on the periphery of the education system" (Ofsted).
- Pupils from some ethnic minority groups are doing well (for example, Chinese, Mixed White and Asian and Indian pupils) and others, particularly Bangladeshi pupils, are catching up quickly. But we have serious concerns about attainment at primary level among Pakistani, Black Caribbean, Black African and pupils from other Black backgrounds, as well as Mixed White and Black Caribbean heritage pupils.
- Many pupils with SEN are not achieving their true potential at primary and secondary school.
- There are disproportionate levels of exclusion from school for pupils with SEN, as well as Gypsy/Roma and Traveller of Irish Heritage pupils, and pupils from Black Caribbean, Black Other and Mixed White and Black Caribbean heritage backgrounds.
- Disabled young people are at greater risk of being not in education, employment or training (NEET), however this is not broken down by type of disability. The evidence base on ethnicity is less strong, but suggests that young people from some ethnic minority groups may also be at greater risk of being NEET.

In Scotland and Wales:

- In Scotland and Wales, the proportion of pupils from ethnic minority groups is much lower and attainment rates differ. In Wales, Black African and Pakistani pupils are less likely than average to reach the expected level across primary and secondary level. In Scotland, looking at average attainment across the last three years, the attainment of Pakistani and Black African pupils is only one percentage point below the national average at the end of secondary school.
- Attainment data for pupils with SEN in Wales are not currently available. In Scotland there is a broader category of pupils covering those with additional support needs, again separate attainment data are not available yet for pupils in this category.
- Detailed data on disabled young people and ethnic minority young people who are NEET are not currently available in Scotland and Wales.

We look closely too at disadvantage in employment, and find that there has been remarkable progress in the employment prospects of the working age population in the past decade. The UK now has, at 75 per cent, the highest employment rate of the richest countries and an aspiration to reach 80 per cent. However, this progress has not touched the whole of the population equally and some groups are well behind.

Looking back over the past thirty years, three groups below retirement age stand out as facing particularly large and persistent employment penalties. These are disabled people, Pakistani and Bangladeshi women, and mothers of young children. These groups are also more likely to suffer from disadvantage in the workplace, in terms of limited career progression, large pay gaps and discrimination.

In terms of health and healthcare, we know that some groups experience poorer health than others. And we know that there is a strong association between poor health and other factors, such as educational attainment and employment status. But, because the data are so poor in many areas, we simply do not know enough about the differences in health between different groups, for example, life expectancy by ethnicity. Nor do existing mechanisms allow us to assess the extent to which healthcare provision meets the needs of different groups.

Lastly, in terms of crime and criminal justice, more work is needed to understand the impact of crime and how this can be minimised, particularly for those crimes that we know to have a long-lasting impact on their victims, such as domestic violence.

And criminal justice agencies must work harder to improve people's confidence in the criminal justice system, particularly people from ethnic minorities. Data are patchy in many areas of criminal justice. And the efforts that have been made are to be welcomed. But more remains to be done if we are to have confidence that the criminal justice system is fair for all. As in so many areas highlighted in this Report, inequalities in one area can be linked directly to inequalities elsewhere. This is particularly so with high rates of offending among young Black men. We know that there is a strong association between offending, and exclusion from school and failure at school – and that some ethnic minority groups are significantly more likely to experience these than others. So, we believe that action to address rates of offending among young Black men can only be tackled through action across government.

In **Chapter 4** we set out the reasons why inequalities still persist in Britain today. The evidence suggests that the key barriers to progress lie in the following areas.

First, despite a strong public value of fairness and equality, prejudice persists. This has serious negative consequences for the treatment of women, people of different ages, ethnic minorities,

disabled people, people with particular beliefs, transgender people, and lesbian and gay people. This prejudice forms a backdrop for the other three key problems that are holding progress back:

- a lack of agreement about what needs to happen;
- uncertainty about who should act; and
- the tools we have not being fit for purpose.

Second, there remains a lack of awareness and understanding about what equality means, how it relates to what organisations do, what is required or permitted under the law, and who is responsible for delivering on this. It is too frequently regarded as code for 'political correctness' or petty bureaucracy.

Poor measurement and a lack of transparency have contributed to society and governments being unable to tackle persistent inequalities and their causes. The data available on inequality are utterly inadequate in many ways, limiting people's ability to understand problems and their causes, set priorities and track progress. And even where data do exist, they are not consistently used well or published in a way that makes sense.

Third, there has been little clarity over who should deliver what, and whose responsibility it is to take the lead. This is made worse by limited accountability: across sectors, promoting equality has not been a central or significant part of the leadership role. Many organisations have viewed equality as peripheral to their core business. There also remain questions about the influence and impact of the media. A lack of meaningful engagement also contributes to this problem: communities and individuals are often not sufficiently empowered to have their say on the issues and services that affect their lives.

Finally, the tools available are not fit for the purpose of achieving equality in today's Britain. There are limitations in the law – which is complex, inconsistent in the way it treats different groups, and poorly understood. In some cases the law actually restricts action on inequality, and in others the action possible has been interpreted too narrowly – as for example with public procurement. There has also been a tendency to focus legal requirements, and the action that follows, on process rather than the outcomes sought. And problems with the form of the law have been made worse by unclear guidance and insufficient support, and by a blunt and inflexible enforcement regime.

In **Chapter 5** we turn to recommendations, setting out **ten steps to greater equality**, which complement and reinforce each other, each contributing to a systematic overall framework for creating a more equal British society. These are as follows.

Step 1: Defining equality

In order to work towards greater equality, government and others must be clear on the problems that inequality poses and have a clear vision of equality. In Chapter 1, we set out our definition of an equal society.

Our definition of an equal society

An equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would choose, so that everyone can flourish.

An equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and can be.

We recommend that government, the devolved administrations, the Commission for Equality and Human Rights (CEHR) and other public bodies adopt this vision as a basis for future action on equality.

Step 2: Building a consensus on equality

We set out a strong case for greater equality in Chapter 1, emphasising the potential for improving well-being and other social benefits, as well as strengthening the economy. It is for **government and the devolved administrations, supported by the CEHR, to take these foundations and use them to build a consensus on the benefits of equality, at every level from national to local.**

Step 3: Measuring progress towards equality

We recommend that the framework of measurement outlined in our Report is used:

- **by all public bodies, to agree priorities, set targets and evaluate progress towards equality; and**
- **by the CEHR, to inform its triennial State of the Nation report.**

This is a long-term goal and the **Government needs to do more work to put a comprehensive toolkit in place**, which different organisations can use. This is not about distilling down to a single indicator of inequality, but we do believe the framework would lend itself well to translation into an **Equality Scorecard** – which any organisation could pick up and adapt to its own needs.

Data collection must cover all equalities groups – gender, disability, ethnicity, religion and belief, transgender, sexual orientation, and age – as well as socio-economic status. For Wales, data collection must cover those whose preferred language is Welsh.

The Government, together with the CEHR, should also be responsible for regularly reviewing and updating the framework so that it remains relevant to society.

In order to make good use of this framework, there are considerable data collection needs to be met. A **cross-cutting government review of current data needs** is a fundamental and necessary starting point if government and the devolved administrations are to properly analyse, understand and address inequalities.

Step 4: Transparency about progress

In addition to better collection of data, **government, public bodies and the private sector all need to make better use of that data**, with appropriate analysis and evaluation used to plan effective action. The **public sector as a whole also needs to be more transparent: publishing that data and analysis**.

We would encourage organisations in all sectors to **publish more information about their performance on equality**. In the public sector, this means transparency about public bodies' performance as employers, as well as their performance as service providers.

We recommend the CEHR sets out a required standard format for this reporting.

In the private and voluntary sectors, we hope to see more and more employers following the public sector's new lead. In support of that, we recommend that the Government publicly calls for greater transparency in all sectors, and openly endorses use of the standard reporting system by all employers.

We recommend that the CEHR convenes a working group of benchmarking organisations to develop a performance assessment framework for private and voluntary sector organisations, based on the Equalities Scorecard.

Step 5: Targeted action on persistent inequalities

Chapter 3 identifies a number of **persistent inequalities which the Government and the devolved administrations must treat as immediate priorities** in the context of their current statutory duties to promote equality. We set out some detailed recommendations on this at the end of Chapter 3.

Taking targeted action will, for government departments, the devolved administrations and public service providers more broadly, involve doing four things:

- **adopt specific measures, service by service;**
- **reconsider how services are designed, organised and accessed**, to meet the needs of all sections of society – paying particular attention to the needs of the most disadvantaged groups;
- **empower disadvantaged groups to take action to shape, and to obtain better and fairer, public services;** and
- **implement balancing measures to accelerate progress** where, on current projections, the equality gap will either never be closed or is closing at far too slow a rate.

Beyond targeted action to tackle the immediate priorities, there needs to be a more systematic approach. We want to see public bodies looking at the impact of their policies, programmes and other core activities on equality, as a matter of course.

Targeted action is also needed to achieve widespread attitudinal change in British society. **The CEHR needs to conduct further research** in order to understand fully the depth and pattern of prejudice and to identify effective levers and interventions to counter prejudice.

It is necessary to **work to combat cultural and other sources of social stereotypes, and therefore to encourage initiatives that build links between different groups in society. We recommend specific effort be made to inhibit the growth of prejudice and to tackle bullying among young people.**

The CEHR will have a duty to promote good relations. In that capacity it will need to **provide support to groups suffering effects of prejudice**. It must also **tackle the stereotyping** that helps to justify actions that harm or limit the potential of women, disabled people and older people.

Step 6: A simpler legal framework

The Government's Discrimination Law Review (DLR) provides a once only opportunity to develop a legislative package that promotes equality effectively in the 21st century. **It will be essential that the resulting single Equality Act:**

- **focuses on a simpler, more coherent framework; and**
- **facilitates action to help groups as well as individuals; and**
- **covers equality on the basis of sexual orientation, gender, disability, ethnicity, religion and belief, transgender, and age.**

Government and Parliament should seize the opportunity presented by the DLR to simplify and focus a new, integrated public sector duty to promote equality on the outcomes it is intended to achieve rather than the processes in place. The duty should require public bodies to use all the tools available to them to promote equality, including making equality impact assessments an integral part of policy development and undertaking further assessments as part of the evaluation of service delivery. It must be a flexible duty that enables different public bodies to establish their own priorities, relevant to the customers and communities they serve.

In Wales, thought will need to be given to the relationship between this duty and the requirements of the Welsh Language Act.

Step 7: More accountability for delivering equality

We recommend the establishment of an Equalities Select Committee which reviews action, across government departments and non-departmental public bodies, to narrow the gap in outcomes between different groups, and to tackle the most persistent inequalities.

Equality must be seen and treated as a priority integral to mainstream policy and services. One of the best means of ensuring this is by **reflecting that priority within the Public Service Agreements (PSAs)** which are set by the Government as part of its Spending Reviews. PSAs must reflect the policy priorities we identify in Chapter 3, notably in the fields of education, employment, health and criminal justice. It will also be important to focus PSAs and other public sector targets on narrowing equalities gaps by tackling the most severe disadvantage. Progress in achieving the targets set must be measured and made public. In Wales and Scotland, we would also expect the devolved administrations to set in place appropriate targets. In addition we would expect reviews of public spending to include equality impact assessments.

The best way to extend this new focus on outcomes to the whole public sector and beyond is by **making equality part of each organisation's performance management framework.** Accountability should rest at the top of all organisations, and leaders should report on and be given a chance to explain their record on delivering equalities. There must be support for chairs of boards, council leaders, chief executives, executive directors, and other leaders. The relevant **leadership development programmes should help them translate these values into strategic planning and action to reduce inequality within, and through the work of, their organisation.**

The media also have a leadership role, and accountability mechanisms should be strengthened to reflect that. **The Press Complaints Commission should review its complaints mechanisms** – in particular to enable consideration of complaints about coverage on the basis of discrimination or prejudice against, or stereotyping of, groups as well as individuals.

Step 8: Using public procurement and commissioning positively

This is an area where Government leadership is absolutely essential, and one in which Government should be seen to set an example. The Panel believes that **public agencies should require suppliers to adopt the same principles under which they themselves are required to operate.**

We propose that **the new public sector duty should incorporate a specific requirement for public bodies to use procurement as a tool for achieving greater equality. Ensuring that commissioning frameworks require providers to analyse the needs of different groups, and that they monitor provision using quantitative and qualitative analysis, will also be an important element of the new duty.** Implementation should be led by the recently restructured Office of Government Commerce and the Treasury, as part of the ongoing professionalisation of the public sector procurement system.

Step 9: Enabling and supporting organisations in all sectors

More must be done to facilitate employers' greater engagement and commitment. Government, the devolved administrations, the CEHR, and private sector partners should lead the **construction of a stronger business case for equality**, highlighting to those employers who are not already convinced the demographic imperative in terms of the changing make-up of the workforce, and the growing need for businesses to look like both their customer base and potential labour pool.

The CEHR and its partners should also provide tailored, targeted support for employers, to help them to improve their performance on equality. This should include:

- providing clear, concise guidance on employer responsibilities (including guidance tailored to small and medium-sized companies);
- providing advice on good practice and equality law, for example on recruitment, promotion, offering flexible working patterns, exit interviewing, and tackling harassment and prejudice;
- supplying employers with data on local population make-up – ethnicity, gender, age, qualifications and skills, long-term unemployment by group, and so forth – to give them the means of asking and answering questions about their own performance, and deciding to take targeted action accordingly.

We would expect the CEHR to play a strategic role in supporting employers, and that other national organisations – such as trades unions and employer representative bodies, and national and local advisory bodies – would take on the direct, tailored support of particular employers or groups of employers. **We recommend that the CEHR convene a working group of advice-giving organisations, to develop and establish a coherent network of advice sources.** Membership

of such a network should operate under a kite-marking system, with members required to meet a quality advice standard; and a clear signposting system should be set up to ensure that organisations know where to source advice.

Balancing measures may be necessary in areas where inequalities are very deep-seated, where conventional means – including the allowed forms of positive action – will take too long to make an impact, or where inequalities have a serious impact on wider society, over and above the cost to those who are disadvantaged. In these circumstances, we believe there is a case for introducing time-limited, proportionate, balancing measures of a type that are not currently permissible under UK law. We are not recommending positive discrimination. However, we do believe that greater use needs to be made of the scope already available under European law to take positive action. We therefore **recommend to the Discrimination Law Review that it proposes the repeal of existing legislation that limits positive action** (to measures such as targeted advertising of posts, special training and work experience opportunities, and so forth); and that it **proposes to include balancing measures in a new single Equality Act, consistent with the wider possibilities under EU law** (which would include, for example, the ability to take action in recruitment and progression).

The CEHR will need to put in place statutory guidance, setting out that, before taking such action, organisations should:

- provide clear evidence of need, supported by data on persistent inequality in a specific case and evidence of efforts already made which have not been successful;
- ensure, in the sphere of recruitment, that any balancing measures include a requirement that all candidates pass a test of competence; and
- set a reasonable time-limit and review the use of the measures regularly against progress made.

This approach should be introduced initially with a requirement for organisations to submit applications to the CEHR for approval.

Step 10: A more sophisticated enforcement regime

The CEHR needs to play a more dynamic role in enforcement than has been possible for the equality commissions in the past. This will include overall responsibility for monitoring compliance with the new public sector duty. **Public sector inspectorates should be required, under the duty, to promote equality by evaluating the performance of the relevant public bodies in this area.**

The CEHR should manage the system of equality legislation using four principal elements:

1. Transparency: not only should public and private bodies be expected to be able to measure their equality performance, they should be encouraged – and in the public sector, required – to make the resulting information public.
2. Community action: communities and shareholders should be empowered to initiate action to tackle large and persistent equality gaps.
3. Inspection: large and persistent equality gaps should be the subject of special inspection by the relevant inspectorate.
4. Listing: where institutions either persistently refuse to publish information on their equality performance, or where their performance is the subject of wilful neglect, they should be identified by the CEHR, especially for the information of potential partners, employees and clients.

Finally, **the CEHR should report on progress against the actions set out by the Equalities Review**. This should include an initial assessment of the adequacy of the Government's response and plan of action – which we would expect to be set out before the CEHR becomes fully operational in October 2007. This would then be followed by consideration of progress against the ten steps to greater equality, within the CEHR's triennial *State of the Nation report*.

Finally, in the **Afterword**, we set out a vision for the future, against which progress should be checked.

Afterword: What would success look like?

The most important conclusion that we would want readers to draw from this Report is that a more equal Britain would be a better Britain: more prosperous, more humane, more cohesive and fairer.

A close second to this conclusion would be that, while advances have been made in some important areas, we are unlikely to achieve greater equality by carrying on as we are now. There are deeply entrenched inequalities that are not shifting, and powerful socio-economic trends that are working in the opposite direction. To make progress, we need a fresh approach and a new impetus.

These conclusions have become increasingly more compelling to the Panel as the Review has progressed. The first test of our success is whether others are equally persuaded both of the argument and the need to act. To achieve real and lasting change requires a new consensus, across parties and in the public, private and voluntary sectors.

Our survey of public opinion shows that the British people intuitively place a high value on greater equality, but this belief is often undermined by prejudice towards particular groups and an aversion to misguided political correctness. Success will therefore mean reaching beyond the traditional institutions and ensuring that the real equalities agenda is placed centre stage with the public at large.

How will we know whether this Report has been successful in five years' time? What will be the acid tests? Set out below is the Panel's list:

- There will be a shared understanding of what we mean by equality and a common framework of measurement at national, regional and local levels.
- Political, managerial and community leaders will take *direct and personal* responsibility for promoting greater equality, and will test themselves on progress by the outcomes they achieve rather than the processes they have adopted.
- Promoting greater equality and tackling entrenched inequalities will be embedded in the way that public institutions carry out their business. There will be an active pursuit of their public duty and a dynamic, systematic, and evidence-based approach to taking action.

- There will be an honest, transparent means of assessing the progress of the public, private and voluntary sectors in achieving a more representative workforce at all levels. Information will be readily available on a consistent basis.
- Prejudice in society on grounds of age, gender, race, religion and belief, disability, sexual orientation and gender identity will have demonstrably reduced. We will no longer place the burden of tackling this on those who have been discriminated against.
- Last, but most important, we will see measurable progress in achieving greater equality and tackling the most entrenched inequalities identified in this Report.

The Panel has advisedly used the word freedom in its title. Freedom *from* poverty, discrimination and disadvantage, but also freedom to be able to achieve the things that, individually, matter most to us. A more equal Britain would be both fairer and freer in the full meaning of these words, and is a goal worth fighting for.

The ultimate test of success in five years' time will be that this view is still held with the same passion by those with the power to make a difference, as it is by the Panel responsible for publishing this Report today.

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