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# Strategic Equality Plan

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## 1. Preface by the Ombudsman

Under the Equality Act 2010, I have a duty to set out my objectives for equality in a Strategic Equality Plan. Whilst the Strategic Equality Plan is the first specific, separate, plan produced by this office, equality considerations have been an integral part of our strategic and business planning since the inception of the office on 1 April 2006. This plan therefore builds on work carried out since that time.

A commitment to treating people fairly is central to the role of an ombudsman. As Public Services Ombudsman for Wales, I am committed to providing equal opportunities for the staff in my employment and in the service we together provide to complainants. No job applicant, staff member or person receiving a service from the PSOW will be discriminated against, harassed or victimised due to personal characteristics such as age, disability, ethnicity, sex, gender reassignment, pregnancy or maternity, sexual orientation, religion or belief, whether they are married or in a civil partnership, or on the basis of any other irrelevant consideration. I expect my staff to share my total opposition to unlawful and unfair discrimination and my commitment to conducting business in a way that is fair to all members of society.

In developing this Strategic Equality Plan we invited organisations representing each of the nine protected groups to a meeting to discuss our proposals. In addition, we consulted more widely by placing the draft Plan on our website. We have also taken account of data already available to us via monitoring processes previously in place, and also statistical and other information available from organisations such as the Office for National Statistics, the statistics division of the Welsh Government, and the Equality and Human Rights Commission.

Due to the nature of the work of this office, we have not developed separate objectives for each of the nine protected groups. Rather, the objectives set will apply to all of these groups. Whilst the equality objectives within this document will be reviewed annually, the key review period will be in three years' time, so that they are aligned to the three year strategic planning cycle of the office.

The key document in which our equality data will be published will be the Annual Report. Any other additional information that we deem useful to publish, and which may arise on ad hoc basis, will be posted to our website.

As part of our consideration and investigation of complaints, we will routinely take account of any equality and human rights issues arising. As such, we have already provided staff with training on the provisions and principles of the Equality Act 2010 and others such as Hafal and Learning Disability Wales. Further, more detailed, equality training pertaining to issues specific to the various protected groups that we identify as being useful will be incorporated into the corporate training plan for forthcoming years.

Against this background, therefore, I am pleased to present this Strategic Equality Plan.

**Peter Tyndall**  
**Public Services Ombudsman for Wales**  
**March 2012**

## 2. The Equality Act 2010

The Equality Act 2010 consolidates and brings together numerous provisions in existing primary and secondary legislation including: the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

The Act protects people with certain characteristics which are grouped as follows:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership (for employment issues)
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation.

Under the Equality Act 2010 and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 laid down by the National Assembly for Wales, the Public Services Ombudsman for Wales is required to meet both general and specific duties:

### **General duty**

The general duty came into force on 5 April 2011 and its aim is to ensure that public authorities and those carrying out a public function consider how they can positively contribute to a fairer society through advancing equality and good relations in their day-to-day activities. The duty ensures that equality considerations are built into the design of policies and the delivery of services and that they are kept under review. This will achieve better outcomes for all.

## **Specific duties**

The public sector duties for Wales came into force on 6 April 2011, these include:

- Strategic Equality Plans and Equality Objectives
- Engagement
- Assessing impact
- Equality information
- Employment information, pay differences and staff training
- Procurement
- Annual reporting, publishing and review
- Welsh Ministers' reporting
- Accessibility.

### **3. Role of the Public Services Ombudsman for Wales**

The office was established under the Public Services Ombudsman (Wales) Act 2005. There are two specific roles. The first is to consider complaints made by members of the public that they have suffered hardship or injustice through maladministration or service failure on the part of a body in jurisdiction. The second role is to consider complaints that members of local authorities have breached the Code of Conduct.

When considering complaints about public bodies in Wales, we look to see whether people have been treated unfairly or inconsiderately, or have received a bad service through some fault on the part of the public body providing it. The bodies that come within jurisdiction are generally those that provide services where responsibility for their provision has been devolved to Wales. More specifically, the organisations we can look into include:

- local government (both county and community councils);
- the National Health Service (including GPs and dentists);
- registered social landlords (housing associations);
- and the Welsh Government, together with its sponsored bodies.

The role in relation to considering complaints alleging that members of local authorities have broken the Code of Conduct is slightly different to that for complaints about public bodies. This type of complaint is considered under the provisions of Part III of the Local Government Act 2000 and also relevant Orders made by the National Assembly for Wales under that Act. In the circumstances where we investigate a complaint and conclude that there is likely to have been a breach of the code requiring action against the member concerned, the investigation report must be submitted to either the relevant local authority's standards committee or a tribunal of the Adjudication Panel for Wales. It is for them to consider the evidence we have found together with any defence put forward by the member concerned. Further, it is for them to determine whether a breach has occurred and if so, what penalty, if any, should be imposed.

## 4. Public Services Ombudsman for Wales's Three Year Strategic Plan 2012/13 to 2014/15

We are a relatively small office of just over 50 members of staff. Nevertheless, every individual of the three million people who live in Wales is a potential service user (plus others who receive a service by a public service provider in Wales). This means that the service we provide has to be able to respond to the diversity of people within the population we serve.

As might be expected, we have taken the view that the Strategic Equality Plan should not be a document that sits in isolation. Rather, it should dovetail with our three year corporate Strategic Plan. It is against this background therefore that this Strategic Equality Plan has been developed. Set out below are the Vision, Values, Purposes and Strategic Aims within our corporate Strategic Plan. The strategic equality objectives then flow from these.

### Our Vision

**To put things right for users of public services and to drive improvement in those services and in standards in public life using the learning from the complaints we consider.**

### Our Values

**Accessibility** – we will be open to everyone and work to ensure that people who face challenges in access are not excluded. We will be considerate, courteous, respectful and approachable, and do our best to communicate with complainants in the way they tell us they prefer.

**Fairness** – we will safeguard our independence and reach decisions objectively having carefully considered the evidence.

**Learning** – we will improve through learning from our experiences, and encourage all public service providers to learn from their own experiences and those of others.

**Effectiveness** – we will make sure that we work in ways that make the best use of the public money we receive.

**Being a good employer** – we are committed to providing a positive environment in which to work and to continue to develop and support our staff, to ensure that we continue to remain professional and authoritative in all that we do.

## Our Purposes

- To consider complaints about public bodies.
- To put things right. When we can, we will try to put people back in the position they would have been in if they had not suffered an injustice, and work to secure the best possible outcome where injustice has occurred.
- To recognise and share good practice so that public bodies can learn the lessons from our investigations and put right any systemic weaknesses identified, leading to continued improvement in the standards of public services in Wales.
- To help people send their complaint to the right public service provider or complaint handler.
- To consider complaints that members of local authorities have broken the code of conduct.
- To build confidence in local government in Wales by promoting high standards in public life.

## Strategic Aims

**Strategic Aim 1:** To offer a service where excellent customer care is at the forefront of all we do, where we work to raise awareness of our service and do our best to make it accessible to all and easy to use.

**Strategic Aim 2:** To deliver a high quality complaints handling service, which considers and determines complaints thoroughly but proportionately, and conveys decisions clearly.

**Strategic Aim 3:** To use the knowledge gained from our investigations to contribute to improved public service delivery and to inform public policy.

**Strategic Aim 4:** To continue to analyse and improve the efficiency and effectiveness of our governance, business processes and support functions, to further demonstrate transparency and ensure the best use of the public money entrusted to us.

## 5. What We Have Done So Far

As part of our process, we do our very best to identify as early as possible any individual requirements that may need to be met so that a service user can fully access our services and, in particular, we ask people to tell us their preferred method of communication with us. We always try to make reasonable adjustments where these will help people make and present their complaint to us. Examples are: providing correspondence in Easy Read; using language line for interpretation, where a complainant is not comfortable with making their complaint in English or Welsh; obtaining expertise to assist us to understand the particular requirements of complainants with certain conditions, such as Asperger's syndrome; and visiting complainants at their home.

We produce key documents in alternative formats, such as CD/tape and Braille, translate these into the eight key ethnic minority languages used in Wales; and we have upgraded the accessibility of our website from A to AA compliant and introduced BrowseAloud which allows the website to 'talk' to the user.

We have always undertaken equality monitoring in respect of service users, which has informed our annual outreach strategy. This has been supplemented by equality monitoring questions asked during our customer satisfaction surveys undertaken on our behalf by Opinion Research Services. We have also used the evidence from these satisfaction surveys to improve our service. For example, by removing certain barriers such as no longer requiring complaints to be made in writing and allowing them to be made by phone, email or through our website.

Our staff have received equality and diversity training for two reasons: firstly, so that in the service we provide we can be responsive to the changing needs and requirements of people with whom we communicate and interact and, secondly, so that we have the knowledge to be able to identify during our investigations any failings by public service providers in respect of equality duties.

We meet regularly with third sector organisations, holding formal seminars at least biennially, giving talks and addresses at their conferences and we also have an ongoing proactive programme of meeting with individual organisations. This enables two way discussions about the work of the office, so that we can obtain views on the service we provide from their perspective and it enables us to explain how they can help those individuals who require assistance in making a complaint to us to do so.

We have also developed a Memorandum of Understanding with the Older People's and Children's Commissioners in relation to co-operation, joint working and the exchange of information.

## 6. Strategic Equality Objectives

As previously mentioned, our Strategic Plan 2012/13 to 2014/15 has four key strategic aims and these are restated in turn below. The strategic equality objectives that we have set dovetail with those aims. Many of these objectives are a continuum of objectives already in existence. It would nevertheless be an incomplete picture if they were not included in this Strategic Equality Plan. To support those equality objectives where new actions are required, a complementary action plan is set out at Appendix A.

Appendix B sets out the profile of service users since the office was in shadow form (i.e. from 2005/06) and Appendix C sets out the information we currently record in relation to our staff. In both instances, the return of our equality monitoring forms is voluntary. In relation to service users, it is also carried out on an anonymous basis. Our equality objectives take account of the data and information we ourselves have gathered, together with general government and other statistical information available to us.

**Strategic Aim 1: To offer a service where excellent customer care is at the forefront of all we do, where we work to raise awareness of our service and do our best to make it accessible to all and easy to use.**

Strategic Equality Plan objectives supporting this aim:

- We will continue to do our best to communicate with service users in the way that they tell us that they prefer.
- We will continue to make documentation produced by us available in alternative formats.
- We will continue to explore alternative communication methods to make using our service as easy as possible, keeping up to date with any new technological developments that may be able to assist in this.
- We will increase our knowledge in relation to the people who use our service. through more detailed data gathering, monitoring and analysis, and use this intelligence to identify any areas that could improve our customer service, including equality considerations.
- We will annually review our outreach strategy, to ensure that the programme of outreach activities contributes to our aims and objectives.

**Strategic Aim 2: To deliver a high quality complaints handling service, which considers and determines complaints thoroughly but proportionately, and conveys decisions clearly.**

Strategic Equality Plan objectives supporting this aim:

- During the review of the three separate complaint handling procedures that we have in place, we will give particular consideration as to whether any specific additions should be made to take account of the circumstances of any of the protected characteristic groups.
- We will continue to make adjustments, where this is possible, for people within the protected groups (and others) with a view to ensuring that they are not at any disadvantage compared with any other person during the consideration of their complaint.

**Strategic Aim 3: To use the knowledge gained from our investigations to contribute to improved public service delivery and to inform public policy.**

Strategic Equality Plan objectives supporting this aim:

- We will support the development of an inclusive society, by highlighting any trends and concerns identified from our investigations that suggest that public bodies are not complying with the requirements of the Equality Act 2010.
- We will work to improve the confidence of local communities that members of local authorities comply with the requirements of the code of conduct and in particular will raise with the local authority standards committees or the Adjudication Panel concerns surrounding issues of discrimination, harassment, and/or victimisation.

**Strategic Aim 4: To continue to analyse and improve the efficiency and effectiveness of our governance, business processes and support functions, to further demonstrate transparency and ensure the best use of the public money entrusted to us.**

Strategic Equality Plan objectives supporting this aim:

- When considering changes to strategies, policies, and practices, we will assess and monitor the potential and actual impact on all relevant groups, engaging/consulting as appropriate.
- We will improve the information we hold about staff in relation to employment and pay differences to ensure fairness.
- Within what is possible via a fair appointment process, we will aim to ensure that the employee profile of the office more closely reflects the diversity of the Welsh population.
- We will continue to include within our annual training plan, training that will provide our staff with the knowledge they need to undertake their duties in respect of equality and diversity issues.
- We will, when procuring services, ensure that relevant guidance concerning equality requirements is provided to companies and organisations tendering for contracts. We will require evidence that they are able to meet the same responsibilities in respect of the general public sector equality duty under the Act as those required of the Public Services Ombudsman for Wales.

## Appendix A

### Action Plan in support of objectives

As previously stated, many of the equality objectives in this Strategic Equality Plan are a continuum of objectives already in existence. However, to support those equality objectives where new actions are required, this complementary action plan has been produced.

	Action	Target Date
1.	<p>Review outreach strategy and produce annual outreach programme to ensure that they support strategic equality objectives:</p> <ul style="list-style-type: none"> <li>▪ 2012/13</li> <li>▪ 2013/14</li> <li>▪ 2014/15</li> </ul>	<p>By June 2012 By May 2013 By May 2014</p>
2.	<p>Further develop our current practice for gathering knowledge about our service users, including developing our complaints handling system to enable analysis between groups and outcomes of complaints. (Note: access to this data will be strictly limited to two members of staff not involved in considering/ investigating complaints.)</p>	<p>New system to be in place to enable new recording method to begin 1 April 2013</p>
3.	<p>We will review our three complaint handling procedures and consider whether any revisions or additions need to be made concerning any of the groups with protected characteristics.</p> <p>Subsequent to this, we will produce a Factsheet aimed at members of the public so that they can understand what will happen to their complaint once it has been submitted to the Ombudsman’s office.</p>	<p>By end March 2013</p> <p>By end May 2013</p>

	<b>Action</b>	<b>Target Date</b>
<b>4.</b>	When revising the Guidance to Local Authority Members on the Code of Conduct, based on the evidence of our investigations, we will consider whether further guidance should be provided in relation to issues of discrimination, harassment and victimisation.	By December 2012
<b>5.</b>	We will revise our current arrangements for gathering employment information and pay differences, so that we hold a central record with regard to age, disability and ethnic groups and henceforth to gather information concerning gender re-assignment, religion or belief, pregnancy or maternity (applicants only) and sexual orientation.	To enable data to be published giving position as at 31 March 2013
<b>6.</b>	We will review all our human resources policies undertaking equality impact assessments and consult staff as appropriate.	By 31 March 2013
<b>7.</b>	We will amend our existing procurement policy and associated tender documentation to ensure that equality requirements are included.	By 31 September 2012
<b>8.</b>	After 2012/13, we will review all our existing policies and practices regularly undertaking equality impact assessments as part of those reviews as well as for all new policies and practices produced as a matter of course, and engage/consult if appropriate.	From April 2012

## Appendix B

### Equality Monitoring 2005/6 to 2010/11 – Profile of Service Users

#### Sex

According to the 2001 Census, 52% of the Welsh population is female; 48% is male. Our equality monitoring has revealed the following pattern in relation to complaints received:

	2010/11	2009/10	2008/09	2007/08	2006/07	2005/06
Male	55%	59%	57%	58%	61%	68%
Female	45%	41%	43%	42%	39%	32%

#### Age

##### Children and young people

PSOW equality monitoring shows the position for those aged under 18 to be as follows:

2010/11	2009/10	2008/09	2007/08	2006/07	2005/06
2%	1%	1%	1%	3%	1%

##### Older People

Statistics for Wales estimate that 18.3% of the population is over the age of 65<sup>1</sup>. The trends in respect of our equality monitoring shows the following in respect of people over the age of 65:

2010/11	2009/10	2008/09	2007/08	2006/07	2005/06
26%	29%	28%	29%	28%	30%

### Minority ethnic groups

The 2001 Census revealed that 2% of the Welsh population consists of minority ethnic people<sup>2</sup>. However, Statistics for Wales estimates that between 2001 and 2009, the percentage of people in Wales from minority ethnic groups increased from 2% to 4%<sup>3</sup>.

The PSOW’s equality monitoring shows the following:

2010/11	2009/10	2008/09	2007/08	2006/07	2005/06
3%	3%	2%	3%	3%	0.7%

### People with Disabilities

According to the 2001 Census, just over 23% of the Welsh population has a limiting long term illness or are disabled people. Our equality monitoring shows that the proportion of complainants who indicated that they considered themselves to have a disability is as follows:

2010/11	2009/10	2008/09	2007/08	2006/07	2005/06
27%	31%	33%	33%	32%	24%

<sup>1</sup> Statistics for Wales 2011

<http://wales.gov.uk/topics/statistics/headlines/population2010/100624/?lang=en>

<sup>2</sup> Office for National Statistics: <http://www.statistics.gov.uk>

<sup>3</sup> <http://wales.gov.uk/docs/statistics/2011/110518sb422011en.pdf>

## Appendix C

### Equality Monitoring – Profile of staff as at 31 December 2011

The Public Services Ombudsman for Wales currently asks job applicants to complete an equality monitoring form. Completion of the monitoring form is voluntary. Details provided by successful job applicants are then transferred to their personal files. However, data is not currently gathered as a central record.

The exception to this is information held in relation to pay and gender. Details of this data (position as at 31 December 2011), are set out below:

Pay (FTE)	Female	Male	% Female	% Male
Under £10,000	0	0	-	-
£10,000 to £19,999	7	0	100%	0%
£20,000 to £29,000	10	0	100%	0%
£30,000 to £39,000	11	5	69%	31%
£40,000 to £49,999	9	6	60%	40%
£50,000+	5	1	83%	17%
<b>Total Male/ Total Female</b>	<b>42</b>	<b>12</b>	<b>78%</b>	<b>22%</b>
<b>Total Employed</b>	<b>54</b>			

Contract Type	Female	Male
Permanent	40	12
Fixed term	2	0
<b>Total</b>	<b>54</b>	

Working Patterns	Female	Male
Full Time	39	11
Part Time	3	1
<b>Total Male/ Total Female</b>	<b>42</b>	<b>12</b>
<b>Total Employed</b>	<b>54</b>	

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