

## RESPONSE BY SPORT ENGLAND TO CONSULTATION WHITE PAPER ON FAIRNESS FOR ALL: A NEW COMMISSION FOR EQUALITY AND HUMAN RIGHTS

### Background

Sport England welcomes proposals to establish the new Commission for Equality and Human Rights. We believe that the new Commission will build on the achievements of the three Commissions for gender, race and disability by giving equality a central and authoritative voice. Moreover, equality will be better coordinated under the single Commission, thereby improving access to support and guidance on crosscutting equality issues for public and private sector organisations.

The new Commission is an opportunity for a fairer and just society, however, success is not guaranteed unless the Commission is properly organised in order to have an impact on communities. And the right legislative framework is in place to support its operations.

### Promoting change

Community cohesion through inclusion and integration is a powerful concept that should form the core of the new Commission. The breakdown in social responsibility in our communities, and the resulting disturbances that occurred in places like Bradford and Burnley and previously Brixton and Toxteth, underline the need to review how we address individual and community relationships.

The recurring issues spanning Bradford/Burnley and Brixton/Toxteth are citizenship and identity. The riots happened not because the views of extremist parties had become fashionable, or because ethnic minorities in those inner-city areas were experiencing any more discrimination than ethnic minorities in other parts of Britain. The riots were symptomatic of multiculturalism and plurality within a vacuum.

Where there are different and competing cultures and identities, tensions ultimately boil over from the flimsiest of trigger points. When there is nothing holding together the diverse groups and values, then any semblance of harmony and cohesion crumble. The current approach to social breakdown concentrates on a patchwork of community initiatives with short term funding, that appear more suited to community regeneration than community cohesion. We need to move away from that.

The Commission should be tasked with promoting and developing cohesion through its leadership and innovation, heralding a new perspective for equality in the United Kingdom in the 21<sup>st</sup> century. An approach that does not focus on or 'celebrate' diversity and difference, but one of communal mutuality: an approach that acknowledges differences, but builds and expands commonalities as the foundation and goals of our society.

In order to do this effectively, the Commission's remit should be extended beyond the traditional groups and issues with the requisite legislative backing, to include any group or issue that the Commission deems relevant

to its objectives. And crucially, commissioners responsible for different equality strands within the Commission should be expected to look beyond the confines of their areas of responsibility and be prepared to work across all equality issues. So that a coordinated approach is achieved, adding value through sharing.

Under current proposals, only the groups with legislative backing will benefit from the work of the Commission. This is not in the interest of cohesion. If the new commission is to have credibility and support within communities, then it should be seen to represent everyone.

### Enforcement

The new Commission will retain the powers of the three equality Commissions, and get additional powers relating to human rights, age, sexuality and religion and belief. The legislative framework underpinning the Commission, however, should still be strengthened in a number of areas.

The nature and history of the different equality laws has led to a hierarchical and unequal attitude in their implementation by employers and service providers. It will become even more so because the laws covering age, religion and belief and sexuality relate to employment only and not other areas like service provision.

Moreover, the growing complexities of society mean that the concept of identity can no longer be defined in simplistic terms such as gender and race. Increasingly people define themselves in terms of overlapping identities, and their experiences of discrimination tend to be a composite of multiple issues.

The Commission has to be equipped to deal with these issues. The solution is to enact an overarching anti-discrimination statute, which protects all civil rights and outlaws all discriminatory action. Alternatively, the legislation establishing the new Commission could give the Commission additional powers to intervene in specific cases of multiple-disadvantage, especially when it is in the public interest to do so.

The duty of the public sector to promote equality is an important tool in the effort to create a fairer society, and it should be extended to the private sector. The private sector accounts for more than 80% of jobs and employment in the UK, and is by far the dominant player in the provision of goods and services.

Moreover, the private sector is increasingly involved in delivering public services as well as working in partnership with the public sector. Extending the duty to promote equality to the private sector will help promote the public service ethos of equality and fairness in the private sector. Compatibility between the private and public sectors will encourage more partnership arrangements. There will be consistency in the quality of

services from the private and public sectors, thereby facilitating the role and objectives of the new Commission.

#### Sport, Equality and the Commission

It is regrettable that the valuable role of sport (and leisure) in promoting equality and cohesion is not maximised. Organisations like Sport England should be on the CEHR Task Force to ensure that the sports dimension of equality is taken into account.

Sport has been shown to be an effective tool in bringing people together and promoting change and development. It is now becoming an important element of several local authority and regional renewal partnerships, playing a key role in the development of individuals and communities in the areas of health, education, community regeneration, social responsibility and community cohesion.

Central government is committed through *Game Plan* to ensure that policy-making, investment and delivery in sport, health and physical recreation are properly coordinated. The inter-departmental Activity Coordination Team has been established and Sport England is leading the sport and active recreation strand of the programme. In its new and emerging strategic lead for sport in England, Sport England is committed to help people start, stay and succeed in sport, with a clear commitment to invest in innovation and work in partnership with other agencies.

Sport England has published the *Framework for Sport*, an inclusive sports agenda, which brings together the national governing bodies of sport and their *Whole Sport Plans*, as well as Regional Sports Boards and *Regional Sports Plans*. An important element of the agenda is to reduce inequality in participation in sport, and attract more women and girls, ethnic minorities, disabled people and low-income groups to be involved in sport at all levels.

Sport England played a key role in the development of the new *Equality Standard: a framework for sport*. The Standard is a UK-wide initiative, supported by UK Sport, other home country sports councils and sports organisations. It is a framework for sports organisations and local authority leisure departments to achieve equality and inclusion.

Sport England has developed links, networks and partnerships targeting equality and social inclusion. For instance, Sport England initiated in 2000 a funding programme of Sport Action Zones across England, targeting our priority groups; women and girls, ethnic minorities, disabled people and people of low income and from deprived areas. In addition to the investment in specific inclusive schemes, partnerships have been developed at local and national level in order to bring individuals and communities together.

At a county level, the emerging County Sports Partnerships have engaged local stakeholders including local authorities, health, education, voluntary sector, sports and leisure organisations and local equality groups. And

nationally, Sport England works in partnership with the national governing bodies of sport. Additionally, Sport England was instrumental in establishing and funding key national sports equality organisations like the Women's Sports Foundation, the English Federation of Disability Sport and Sporting Equals - a partnership between Sport England and the Commission for Racial Equality. The three equality Commissions (CRE, EOC and DRC) also sit on Sport England's Equity Committee.

Sport England hopes to continue with the new Commission, the collaboration and relationship established with the three equality Commissions. And we would like to offer our expertise in the area of sports equity, which will benefit the development and effectiveness of the new Commission.

#### Response to specific questions

##### **Question 1:**

***How can the CEHR ensure that all stakeholders have meaningful opportunities to shape its priorities and how it works?***

The first step should be to identify all groups and categories of stakeholders. The list of stakeholder categories in the White Paper does not include stakeholder organisations like Sport England that are not exactly public sector service providers. There should be a category for non-departmental public bodies carrying out similar functions as Sport England.

Secondly, the role of the stakeholders should be clear to all involved. All stakeholders should be aware of the limit or extent to which their contribution would influence the planning process. It is unhelpful to raise expectations about stakeholder involvement if those expectations are not going to be met. Therefore, some key questions first, have to be addressed: At what stage in the development of the strategic plan will stakeholders be consulted? Will stakeholders set the Commission's priorities? Or will they just be given the opportunity to comment on the strategic plan in its final stage? What is the process for analysing and incorporating stakeholder contribution? And will there be feedback on the consultation process and outcome? Given that stakeholders will have some involvement in the strategic plan, will they have any involvement in monitoring the plan as well?

Finally, the consultation format, of which there are different viable methods, should be designed to encourage submissions from all stakeholders. To ensure extensive involvement by stakeholders, a combination of consultation methods should be used, including written submissions, web-based contribution, regional workshops and regional stakeholder forums.

##### **Question 2:**

***We would welcome views on whether the CEHR should be able to continue support for cases which have drawn on both discrimination and human rights arguments, after the discrimination element of the case has fallen away.***

Some of the key arguments for or against a single equality commission underpin this question. Primarily, there are concerns that the overly legalistic and sometimes controversial nature of human rights could detract from and dilute the Commission's core equality functions.

However, there is general acceptance that including human rights within the overall functions of the Commission will strengthen the equality agenda, especially in how human rights apply to anti-discrimination and disadvantaged groups. A significant body of human rights incorporate issues of equality and non-discrimination, and therefore encourages a comprehensive approach to addressing people's rights.

All human rights and equality emanate from the fundamental principle of respect for autonomy and individual diversity. Moreover, key concerns of groups like disabled people tend to have more to do with human rights issues like dignity and body integrity. This demonstrates that equality is integral to human rights and vice versa, and trying to separate the two strands is conceptually problematic.

Equality and human rights complement each other and where possible their application should be contemporaneous. However, where discrimination and human rights action have been in process and the discrimination element falls away, the human rights element should continue. This is because human rights and equality contribute to the same core issues of autonomy and diversity, and therefore complement each other.

***Question 3:***

***What other areas of activity should the CEHR support at local level to further its overall mission to promote good relations between different communities?***

Sport and leisure is a significant area of activity that has not featured in the White Paper. The role of sport and leisure in breaking down barriers and promoting good relations between different communities is important. An example of this is the Street Games initiative, with summer training developed across estates in London, which has led to annual tournaments in various sports.

The new Commission should therefore develop sporting links and establish partnership projects with organisations like Sport England in order to achieve its community development and cohesion objectives. Sport England's nine Regional Sports Boards and their links to regional government offices and regional development agencies offer such partnership opportunities for the new Commission.

Sport England already works in partnership with the Commission for Racial Equality on different national and regional projects. Sport England also cooperates with the Disability Rights Commission and the Equal Opportunities Commission, to address disability and gender equality issues in sport and leisure through Sport England's Equity Committee. It is in the

interest of community relations and community cohesion that these ties continue with the new Commission.

**Question 4:**

***We would welcome comments on the strategies for working with individuals, businesses and the public sector that are set out in chapter 7.***

The responsibility and burden on the public sector to show leadership in achieving equality and fairness, is too great. The public sector is expected to demonstrate such leadership in its relationship with the private sector. The expectation of central government of the public sector does not take into account the disparity in size between a small public sector and a large private sector. It is wrong and unproductive to focus on the public sector's duty to promote equality and not extend the same responsibility to the private sector.

The private sector's capacity as an employer and provider of goods and services is more than four times the public sector. Furthermore, the private sector is increasingly becoming involved in providing public services, and therefore should be held more accountable for equality, if the objectives of the White Paper are to be achieved.

The new Commission should be given additional powers of intervention to order robust mandatory action by private organisations.

**Question 5:**

***What other activities should the CEHR carry out at regional level? Is the mixed approach - contracts, partnerships and co-location - an appropriate way to develop the CEHR's regional presence?***

Each regional partner offers different options and opportunities, therefore the new Commission should develop partnerships at regional level that are designed to reflect the peculiarities and meet specific needs of different regions. However, any regional approach to equality should always be inclusive in tackling discrimination and promoting equality.

We have already mentioned the important role sport and Sport England could play in equality and cohesion, and the regional network of Sport England offers opportunities for such partnerships.

The partnership arrangements should be complemented and supported by actual presence of the Commission through co-location or by proxy through contracts.