

Our ref: ATISN 16491

17 August 2022

Dear

ATISN 16491 – Creative Wales

Information requested

Thank you for your request which I received on 20 July 2022. You asked for:

1. All copies of all the strategic equality plans that Creative Wales have made from 2020-2022;
2. Information regarding how Creative Wales fulfils its public sector equality duty to advance equality of opportunity between people who share a protected characteristic and those who do not;
3. Information describing how Creative Wales has monitored organisations around equality, diversity, and inclusion;
4. Does Creative Wales audit Creative Wales-funded organisations around PSED compliance?
5. Whether Creative Wales audited organisations on equality since its inception in 2020?
6. Has Creative Wales audited organisations in 2021?
7. Any documentation that relates to Creative Wales' mechanisms in monitoring equality, diversity, and inclusion in Creative Wales funded organisations
8. Does Creative Wales have plans to audit any organisations around equality, diversity, and inclusion in 2022?
9. Who is responsible for the publication of strategic equality plans for Creative Wales funded organisations, is it Creative Wales or the funded organisation?
10. Who is responsible for the publication of strategic equality plans for Creative Wales funded organisations, is it Creative Wales or Welsh government?
11. Where is this information available in line with its PSED duty?
12. Information describing what happens if an organisation is found to have failed in data collection and its monitoring duties relating to groups with protected characteristics under the Equality Act 2010?
13. Information describing what happens if an organisation is found to have failed in data collection and its monitoring duties relating to Welsh language speaking communities under various legislation, including the Welsh Language Act 1993?
14. Information describing what happens if a funded organisation has failed to "advance equality of opportunity between people who share a protected characteristic and those who do not", or failed to publish their strategic equality plans?

15. What MoUs are in place between Creative Wales funded organisations whose members sit on the Creative Wales board and Creative Wales to ensure transparency in monitoring equality, diversity, and inclusion?

Our response

A copy of the information I have decided to release is below.

I have decided that information captured by question 7 is exempt from disclosure under section 12 of the Freedom of Information Act and is therefore withheld. The reasons for applying this exemption are set out in full at Annex 1 to this letter.

1. All copies of all the strategic equality plans that Creative Wales have made from 2020-2022;

The Welsh Government, as a public body, is required to publish a strategic equality plan as part of its Public Sector Equality Duty. The Welsh Government's strategic equality plan for the period 2020 to 2024 is available here:

[Equality plan and objectives: 2020 to 2024 | GOV.WALES](#)

2. Information regarding how Creative Wales fulfils its public sector equality duty to advance equality of opportunity between people who share a protected characteristic and those who do not;

Creative Wales fulfils the Welsh Government's public sector equality duty to "advance equality of opportunity between people who share a protected characteristic and those who do not" in a number of ways across its various functions and different interventions. This is in line with one of the main themes set out in Creative Wales' priorities document to raise standards and promote diversity and equality across the sector:

[Priorities for the Creative Industries Sector in Wales \(English\).pdf](#)

Creative Wales officials discuss equality issues at its meetings with the Creative Wales Non Executive Board. Commitments related to equality are set out in its internal business plan document and relevant statistical and survey data is collected where possible to support monitoring arrangements.

Consideration of equality issues are part of grant monitoring arrangements, including as clauses built into grant offer letters and specific targets where appropriate and as part of discussions on the Economic Contract for grant schemes that include an Economic Contract stage as part of the process.

Actions for Creative Wales are included in the Welsh Government's Anti-racist Wales Action Plan:

3. Information describing how Creative Wales has monitored organisations around equality, diversity, and inclusion;

Creative Wales monitors organisations around equality, diversity and inclusion in a number of ways across its various functions dependent on the intervention. Where commitments and targets are contained in grant offer agreements with organisations, monitoring arrangements will include discussions and the receipt of reports that refer to those commitments and targets.

4. Does Creative Wales audit Creative Wales-funded organisations around PSED compliance?

There are no Creative Wales funded organisations covered by the Public Sector Equality Duty.

5. Whether Creative Wales audited organisations on equality since its inception in 2020?

No. Creative Wales does not audit organisations.

6. Has Creative Wales audited organisations in 2021?

No. Creative Wales does not audit organisations.

7. Any documentation that relates to Creative Wales' mechanisms in monitoring equality, diversity, and inclusion in Creative Wales funded organisations

I have decided that information captured by question 7 is exempt from disclosure under section 12 of the Freedom of Information Act and is therefore withheld. The reasons for applying this exemption are set out in full at Annex 1 to this letter.

8. Does Creative Wales have plans to audit any organisations around equality, diversity, and inclusion in 2022?

No. Creative Wales does not audit organisations.

9. Who is responsible for the publication of strategic equality plans for Creative Wales funded organisations, is it Creative Wales or the funded organisation?

There are no Creative Wales funded organisations covered by the Public Sector Equality Duty.

10. Who is responsible for the publication of strategic equality plans for Creative Wales funded organisations, is it Creative Wales or Welsh Government?

There are no Creative Wales funded organisations covered by the Public Sector Equality Duty.

11. Where is this information available in line with its PSED duty?

We do not hold any information - please see answers to questions 9 and 10 above.

12. Information describing what happens if an organisation is found to have failed in data collection and its monitoring duties relating to groups with protected characteristics under the Equality Act 2010?

The Equality and Human Rights Commission (EHRC) acts as the regulator which ensure compliance and delivery of actions which support PSED. Information on its regulatory role, responsibilities and powers of redress can be found at:

[Public Sector Equality Duty | Equality and Human Rights Commission \(equalityhumanrights.com\)](http://equalityhumanrights.com)

13. Information describing what happens if an organisation is found to have failed in data collection and its monitoring duties relating to Welsh language speaking communities under various legislation, including the Welsh Language Act 1993?

Monitoring Welsh Language Schemes under the 1993 Welsh Language Act, and enforcing Welsh Language Standards prepared under the Welsh Language Measure (Wales) 2011 is the responsibility of the Welsh Language Commissioner. We have no specific information to disclose relating to this matter. If you require further information the Welsh Language Commissioner can be contacted on:

post@comisiynyddygydraeg.cymru

Or by post at:

Welsh Language Commissioner

Market Chambers
5-7 St Mary Street
Cardiff
CF10 1AT

14. Information describing what happens if a funded organisation has failed to "advance equality of opportunity between people who share a protected characteristic and those who do not", or failed to publish their strategic equality plans?

The Equality and Human Rights Commission (EHRC) acts as the regulator which ensure compliance and delivery of actions which support PSED. Information on its regulatory role, responsibilities and powers of redress can be found at:

[Public Sector Equality Duty | Equality and Human Rights Commission \(equalityhumanrights.com\)](http://equalityhumanrights.com)

15. What MoUs are in place between Creative Wales funded organisations whose members sit on the Creative Wales board and Creative Wales to ensure transparency in monitoring equality, diversity, and inclusion?

There are no Memorandums of Understanding in place between Creative Wales funded organisations whose members sit on the Creative Wales Non-Executive Board.

All Board members are required to complete conflict of interest forms and declare interests during discussions.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Annex 1

Application of exemptions/exceptions

From our preliminary assessment we estimate that it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to answer your request. The appropriate limit specified for central government is £600. This represents the estimated cost of it taking over 24 hours of time to determine whether we hold the information and to thereafter locate, retrieve and extract it.

I have decided to withhold the following information:

Any documentation that relates to Creative Wales' mechanisms in monitoring equality, diversity, and inclusion in Creative Wales funded organisations

Engagement of section 12 (Requests where the cost of compliance exceeds the appropriate limit) of the Freedom of Information Act.

Your request asks us to search for any document that relates to Creative Wales' mechanisms in monitoring equality, diversity, and inclusion in Creative Wales funded organisations. This captures all grant funded projects, and has no time frame, although if we interpret the request as being limited to funding since 2020, which is the timescale you have stated in question 1, then we estimate that this captures information from at least 1000 different files, based on the number of organisations grant funded or supported through CRF.

In order to locate information captured by this request, the contents of these files would need to be accessed and individual documents reviewed to find information in scope. Although some documents could be ruled out quickly, we estimate from a scoping exercise that the number of documents that would need to be reviewed would be at least 4 per file. This gives a figure of 4000 documents that would have to be reviewed to see whether they held information in scope. This is a manual process, and in our scoping exercise, we arrive at a figure of not less than 3 minutes being required per document to conduct the review.

We therefore estimate that the time required to undertake this work would be in excess of 200 hours, which is significantly above the 24 hour threshold for FOI.

Consequently, we have decided not to provide you with the information you have requested.

You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain, including any dates or period of time relevant to the information required. If you do refine your request in this way, this will be treated as a new request.