



**Cynulliad Cenedlaethol Cymru
Y Pwyllgor Cyfle Cyfartal**

**The National Assembly for Wales
The Committee on Equality of Opportunity**

**Dydd Mercher, 24 Ionawr 2007
Wednesday, 24 January 2007**

Cynnwys
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cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau Cynulliad yn bresennol
Assembly Members in attendance

Lorraine Barrett	Llafur Labour
John Griffiths	Llafur (Dirprwy Weinidog) Labour (Deputy Minister)
Edwina Hart	Llafur (y Gweinidog dros Gyfiawnder Cymdeithasol ac Adfywio) Labour (the Minister for Social Justice and Regeneration)
Jane Hutt	Llafur (y Trefnydd) Labour (the Business Minister)
Mark Isherwood	Ceidwadwyr Cymru Welsh Conservatives
Helen Mary Jones	Plaid Cymru The Party of Wales
Huw Lewis	Llafur (Dirprwy Weinidog) Labour (Deputy Minister)
Jenny Randerson	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Catherine Thomas	Llafur Labour
Gwenda Thomas	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Leanne Wood	Plaid Cymru The Party of Wales

Swyddogion yn bresennol
Officials in attendance

Steven Marshall	Pennaeth Ystadegau Craidd, Y Gyfarwyddiaeth Ystadegol Head of Core Statistics, Statistical Directorate
Carol Mooney	Yr Uned Cydraddoldeb ac Amrywiaeth Strategol Strategic Equality and Diversity Unit
Dr Emyr Roberts	Cyfarwyddwr, Yr Adran Cyfiawnder Cymdeithasol ac Adfywio Director, Social Justice and Regeneration Department

Eraill yn bresennol
Others in attendance

Will Bee	Cyfarwyddwr, y Comisiwn Hawliau Anabledd Director, Disability Rights Commission
Kate Bennett	Cyfarwyddwr, y Comisiwn Cyfle Cyfartal Director, Equal Opportunities Commission
Dr Huw Onllwyn Jones	Bwrdd yr Iaith Gymraeg Welsh Language Board
Liz Morgan	Cyfarwyddwr Dros Dro, Stonewall Cymru Acting Director, Stonewall Cymru
Chris Myant	Cyfarwyddwr Gweithrediadau, Comisiwn Cydraddoldeb Hiliol Cymru Director of Operations, Commission for Racial Equality Wales
Ian White	Y Swyddfa Ystadegau Gwladol Office for National Statistics
Dr Neil Wooding	Comisiynydd Cymru, y Comisiwn Cydraddoldeb a Hawliau Dynol Wales Commissioner, Commission for Equality and Human

Rights
Gwasanaeth y Pwyllgor
Committee Service

Dr Virginia Hawkins Clerc
 Clerk
 Elizabeth Wilkinson Dirprwy Glerc
 Deputy Clerk

Dechreuodd y cyfarfod am 9.30 a.m.
The meeting began at 9.30 a.m.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introduction, Apologies, Substitutions and Declarations of Interest

[1] **Gwenda Thomas:** Bore da. Yr ydym wedi derbyn ymddiheuriadau oddi wrth Laura Anne Jones, a bydd Catherine Thomas ychydig yn hwyr. Yr wyf yn eich croesawu chi i gyd i'r cyfarfod. **Gwenda Thomas:** Good morning. We have received apologies from Laura Anne Jones, and Catherine Thomas will be a little late. I welcome you all to the meeting.

[2] A oes unrhyw ddatganiad o fuddiant? Gwelaf nad oes. Are there any declarations of interest? I see that there are none.

[3] Fe'ch atgoffaf fod y pwyllgor yn gweithredu'n ddwyieithog a gellir defnyddio'r cyfarpar clywed naill ai i wrando ar gyfieithiad y cyfraniadau Cymraeg neu i glywed yn well. Mae darllediad gair am air ar sianel 0 a'r cyfieithiad ar sianel 1. Gofynnaf i chi ddiffodd eich ffonau symudol, *paggers*, neu unrhyw ddyfais electronig arall, gan eu bod yn tarfu ar y cyfarpar darlledu a chyfieithu. Os bydd larwm tân, cawn ein tywys yn ddiogel o'r ystafell. Gofynnaf i bawb beidio â chyffwrdd â'r meicroffonau gan eu bod yn dod ymlaen yn awtomatig. I remind you that the committee operates bilingually and that the headsets can be used either to listen to the translation of contributions in Welsh or for amplification purposes. The verbatim feed is on channel 0 and the translation on channel 1. I ask you to switch off your mobile phones, *paggers* and any other electronic devices, as they interfere with the broadcasting and interpretation equipment. In the case of a fire alarm, we will be ushered safely out of the room. I remind everyone not to touch the microphones as they come on automatically.

9.31 a.m.

Cofnodion, Adroddiad y Cadeirydd a Materion yn Codi
Minutes, Chair's Report and Matters Arising

[4] **Gwenda Thomas:** We have two sets of minutes to consider: those of the meeting held on 29 November and those of 12 December. Are there any comments? I see that there are none. I will, therefore, move on to my report.

[5] As you know, our report on service provision for disabled young people was formally launched last Tuesday in the Senedd and was debated by Plenary later that afternoon. I am sure that you will agree that the launch was a great success and was particularly well attended. The Business Minister has agreed to provide a response to the committee in time for the meeting on 28 February, which will be our last meeting during this Assembly. I hope that members of the reference group of disabled young people will join us at the meeting to hear the Government's response to the recommendations that they helped to shape.

[6] The working group on the Government response to the committee report on service provision for Gypsies and Travellers met on Monday, 22 January to discuss progress made in taking forward its recommendations. As you know, we will be considering in detail progress reports from both the Business Minister and the Minister for Social Justice and Regeneration during the second part of today's meeting, when I will ask Helen Mary, as chair of the group, to provide feedback on its deliberations. I am sure that Members will be pleased to note that the Welsh Language Board has recently approved the Welsh Assembly Government's new Welsh language scheme. The board has described the scheme as far-reaching, with the potential to make a real difference. No doubt our successor committee will be interested in receiving a progress report on the implementation of the scheme in due course.

[7] In November 2006, the Welsh Assembly Government participated in Stonewall Cymru's benchmarking exercise for the first time. As a result of this survey, the Government has been awarded a place among the top 100 best organisations for lesbian, gay and bisexual equality in the UK. I am sure that this committee would like to join me in congratulating the Government, and I hope that it will continue to take forward the lesbian, gay and bisexual agenda and seek ways of sharing good practice with other employers in Wales.

[8] Members will be aware that the UK Government is currently considering the content of the Goods, Facilities and Services (Sexual Orientation) Regulations. These regulations would make it illegal to discriminate in the provision of goods, facilities and services on the grounds of sexual orientation. A consultation document setting out proposals for the regulations was published by the UK Government in March 2006. That sought views on specific points about the range of activities that should be covered by the regulations and on whether any exemptions should be provided for. Officials have advised me that the Assembly has no formal role in making this legislation, that is, the Secretary of State does not require approval from the Assembly before making the regulations. In view of that, I am not proposing that the committee consider this legislation at length; however, should the committee wish to reiterate that it is not in favour of exemptions, I will write to the Secretary of State to make its views known. Does anything arise from what I have said so far?

[9] **John Griffiths:** On the regulations, it is important that this committee puts its views on the record. Under the Government of Wales Acts, the Assembly has a statutory duty as far as equal opportunities for all are concerned, and, under the Equality Act 2006, it has been valuable to see the strand of sexual orientation brought into the anti-discrimination field. It would be very regrettable to see some slipping away from those advances by, for example, churches' adoption agencies having an exemption so that they were not subject to the provisions of the regulations. That would be a big backwards step and I do not think that this committee would support it, Chair, as you outlined. It is important that, as the committee charged with safeguarding equal opportunities for all in Wales, we put our position on the record. I am glad that you proposed that we write.

[10] Even within the teachings of the church, as it were, the church's position on this is not consistent and lacks logic. For example, as I understand it, it is not opposed to placing children with single people—which I think is absolutely right—even though that is against its own teachings and the church's general doctrine, but it is opposed to placing children with gay couples. So, there is no rationale or logic to the church's position on this. If it were to get the exemption that it is seeking, it would undermine that new strand of anti-discrimination law around sexual orientation. So, I support what you suggested and I believe that this committee should write and state that we are wholly opposed to such an exemption.

[11] **Helen Mary Jones:** I support what John has said. I have been very concerned about the tone of the debate that has been going on in the last couple of days. I think that it has been retrograde and not something that this committee would want to see. It would be a very good

idea if you were to write on our behalf, Chair. We might also want to make representations to the First Minister, because he has regular contact with Ministers at a UK level, and ask him to raise this in the meetings that he has with the Secretary of State, to ask the Secretary of State to feed that in at Cabinet level. The way in which it seems to be almost accepted that it is all right for the church to want to opt out of this is really worrying, and, as a committee, I think that we would want to say that it is not all right.

[12] My response to the blackmail of, ‘We will close our adoption agencies rather than do this’ is, ‘Close your adoption agencies’. It is not as though we have that many children who need to be adopted these days, and if that is the only alternative, as the church sees it, that is a matter for the church. I support everything that John has said; it is not something that this committee would wish to see at all, in my view.

[13] **Lorraine Barrett:** I agree with everything that Helen and John have said. The debate of the last couple of weeks has been very disappointing. Last week, I think, I was listening to a phone-in on Radio Wales and I felt physically sick when people rang up saying, ‘As a Christian family, we run a bed and breakfast’—or it may have been a hotel, wherever it was—‘and we want the right to be able to say that we do not want these types of people staying in our establishment’. I can picture the signs on the doors and in the windows, saying, ‘No gays here’. Where are we going? For me, it was a bit like Nazi Germany.

9.40 a.m.

[14] The important thing with regard to adoption is for children to be placed with loving families, regardless of what that family consists of or its set up. If it is a loving home, children should be placed there. I do not know what the position is regarding how many children are waiting, but this does not sit comfortably with any of us around this table. I would be really disappointed if any leeway was introduced following the pressure that has been put on the Government from church quarters. It makes me feel quite sick and I want us to write about this matter in the strongest terms. I wish that there was something separate that we could do in Wales.

[15] **Jenny Randerson:** As an individual, I strongly support the rights of gay couples to adopt. However, I have some concerns about the fact that we are having a discussion based on media reports, when I think that we all know, from long experience, that media reports do not always reflect reality. If we are going to comment, we ought to do it from a more profound knowledge base.

[16] I also have serious concerns that the Government appears to have introduced this legislation without tackling this issue, because it does not apply just to the Catholic church or certain elements of the Christian church, it also applies to Muslims. I know that it is an issue of faith for Muslims; I do not know about other faiths, but it may well be an issue in their case too. The Government should have explored the issues relating to faith in general long before this, not at the point when we are expecting the legislation and regulations to be laid within weeks. In writing, I would like the issue to be raised that there has not been a dialogue with faith communities, because that is fundamental.

[17] **Gwenda Thomas:** We discussed the matter as a committee in October, when Stonewall made a presentation on the regulations.

[18] **Jenny Randerson:** Yes, but it is an issue, and aspects of it that are now being aired did not crop up in our discussion. I am concerned that we are having a discussion about responses to something that we have only heard in the media.

[19] **John Griffiths:** Oh.

[20] **Jenny Randerson:** You may have heard more, John, but I have not received any documentation, so I do not know what is in the regulations or what specific things the churches and the Muslim community would object to.

[21] **Helen Mary Jones:** I must disagree with Jenny. I remember saying that we knew that there would be sensitivities around religious communities, but that that was not an excuse because there are religious communities that would not want women, for example, to be teaching their sons.

[22] **Jenny Randerson:** I remember you saying that.

[23] **Helen Mary Jones:** I am not prepared to accept that I am responding to this on the back of media reports. This has been a long-held position of this committee. We discussed this back in 2000, in the previous committee, when employment regulations were passed that gave protection to gay people in employment but did not give them protection with regard to goods, facilities and services. I realise that there are sensitivities around this, but there are also sensitivities around gender issues and some religious groups in the United States would have sensitivities around race issues. I support the suggestion that we should write, based on the discussions that we have had before. I have heard church leaders being interviewed and none of what was being said came as a surprise to me. We knew that that was what they would say. People are entitled to hold those views privately, but they are not entitled to impose them on other people by discriminating against them. I would suggest, Chair, that we are reiterating a previously held position.

[24] **Gwenda Thomas:** I believe that the committee's position, until now, was that it was not in favour of any exemptions, whatever they may be. That underlines the principal position that this committee took. The fact that we are talking about specific issues now should not sway us in terms of the principles on which the committee discusses the issue, but I will be guided by committee members.

[25] **Mark Isherwood:** I admit that, rather like Jenny, my knowledge, apart from a brief discussion here some months ago, is media based. So I have read that the Cabinet is split on this issue, that individuals in the Cabinet have different opinions, and obviously what the view of the church is, but I have not read into the detail of the issue, so I do not feel very well qualified to comment. However, I would ask how this affects the religious and belief strands of the European convention on human rights. This is a test case, in a way, where there is a difference between two equality strands that are, by definition, equal.

[26] **Gwenda Thomas:** I think that we have slightly differing views and, as a committee, we need to accommodate that. Do any other Members have concerns about the committee expressing its position that it is not in favour of exemptions to the sexual orientation regulations? I see not. What we must do then is accommodate the minority view within the committee.

[27] **Helen Mary Jones:** I would be really unhappy about that, Chair. I am quite prepared to put this to a vote if I have to.

[28] **Gwenda Thomas:** I will put it to a vote if necessary. I chair the committee, and I will decide how I accommodate the minority view—

[29] **Helen Mary Jones:** As a member of the committee, Chair, I am entitled to place a motion before the committee if I need to.

[30] **Gwenda Thomas:** The committee, up until now, has worked on a consensus. If there

is not a consensus, I will call a vote. However, I believe that Jenny and Mark are expressing reservations, and therefore, in order to be clear and reflect the views of all committee members—

[31] **Mark Isherwood:** I am not disagreeing; I am seeking guidance on the matter.

[32] **Gwenda Thomas:** I would prefer it if we did not have to move to a vote. I shall ask Virginia to make clear the committee's position on the Equality Act 2006.

[33] **Ms Hawkins:** The committee wrote to the Minister for women in October 2005 as part of the consultation on the Equality Bill, urging that measures to ensure that there would not be discrimination on grounds of sexual orientation in the provision of goods and services should be included in the Equality Bill.

[34] **Jenny Randerson:** Just for clarity, Chair, I was not expressing reservations about the principle at all. I was expressing reservations about the fact that we were having a discussion without an up-to-date report on what the Government's specific proposals were, what the objections were, and who had lodged those objections. However, I would like, in the letter, a reference to the point that Helen Mary has just referred to, which is my concern that this legislation has got so far without this fundamental discussion on the day-to-day implications being made clear to organisations that, in some cases, but not all, have supported this legislation or strands of it.

[35] **John Griffiths:** I do not think that this is a clash between two strands, as Mark thought that it might be. We are talking about the provision of public services—publicly funded services. Nobody is saying that children should not be placed with a Christian family, a Muslim family or a Catholic family; the question is whether there should be any discrimination in terms of placement with gay couples. Therefore, I really do not see that there is that clash. After all, as Helen Mary pointed out, if any church adoption agency decided that it did not want to do it, nobody is going to force it to do so. If such agencies say that this would mean their closing down, as Helen Mary said, that is a matter for them. Therefore, in those terms, I do not think that it is a clash. However, if there is some concern on Jenny's part regarding exactly where we are, and what the position is, perhaps we could put our concerns on record and seek clarification of the position in our letter.

9.50 a.m.

[36] **Gwenda Thomas:** Yes, and I stress once more that this committee's position was, and I hope is, that it is not in favour of exemptions, whatever they may be. Other issues may arise, because this is not only about adoption; to me, this is about a fundamental principle. So, if you are happy to do so, we will write the letter in those terms, taking on board what Jenny, Mark, Helen Mary and Lorraine have said, and we will circulate it for the agreement of Members before it is sent. Is there consensus on that? I see that there is; I am glad about that. To take up Helen Mary's point, we will also copy that letter to the First Minister. So, is the committee content? I see that it is; thank you.

[37] **Dr Onllwyn Jones:** Hoffwn wneud sylw am yr hyn a ddywedasoich am gynllun iaith y Llywodraeth. Yr oedd Bwrdd yr Iaith Gymraeg yn hapus i gymeradwyo'r cynllun cyn y Nadolig. Yr oedd yn hapus iawn gyda'r cynnwys, a chredaf ei bod yn iawn dweud ei fod yn enghraifft o arfer da o ran cynlluniau iaith. Mae'n ddogfen gynhwysfawr ac mae'n amlwg bod llawer o waith meddwl wedi **Dr Onllwyn Jones:** I would like to comment on what you said about the Government's Welsh language scheme. The Welsh Language Board was happy to approve the scheme before Christmas. It was very happy with the content and I think that it is correct to say that this is an example of good practice in terms of language schemes. It is a comprehensive document and it is clear that

mynd i mewn i baratoi'r cynllun. Bydd yn helpu i wthio'r agenda ymlaen i sicrhau bod Cymru'n parhau i fod yn wlad ddwyieithog. Felly, mawr yw ein diolch i'r Llywodraeth a'r swyddogion sydd wedi gweithio'n galed arno, gan gynnwys uned iaith y Llywodraeth.

much thinking went into its preparation. It will help to push the agenda forwards to ensure that Wales continues to be a bilingual country. Therefore, our thanks go to the Government and the officials who worked hard on this, including the Government's language unit.

[38] Y cam nesaf fydd paratoi cynlluniau gweithredu ar gyfer pob adran yn y Llywodraeth yn cynnwys bwriadau'r adrannau hynny o ran prif-ffrydio'r Gymraeg mewn gwaith datblygu polisiau a gwasanaethau. Felly, yr ydym yn edrych ymlaen at ddal ati i weithio gyda'r Llywodraeth.

The next step will be to prepare action plans for every department in the Government, which will include the departments' intentions in mainstreaming the Welsh language in policy and service development work. Therefore, we look forward to continuing to work with the Government.

[39] **Gwenda Thomas:** Diolch yn fawr, Huw, am eich canmoliaeth o gynllun iaith y Llywodraeth. Efallai y byddai'r pwyllgor yn dymuno ysgrifennu at y Llywodraeth i gynnig ein llongyfarchiadau ac i gytuno ein bod yn cynnwys hwn yn ein hadroddiad i'r pwyllgor a fydd yn ein dilyn yn y Cynulliad nesaf, fel bod dilyniant a bod gweithredu'r cynllun yn cael ei fonitro. A yw pawb yn cytuno? Gwelaf eich bod.

Gwenda Thomas: Thank you very much, Huw, for your praise of the Government's Welsh language scheme. Perhaps the committee would wish to write to the Government to offer our congratulations and agree to include this in our legacy report to the committee that follows us in the next Assembly, so that there is continuation in terms of monitoring the implementation of the scheme. Does everyone agree? I see that you do.

[40] I will now update you on progress on actions from our previous meeting. The cross-party working group on equal pay will meet later today to discuss the report on the equal pay conference held on 1 November 2006. I will circulate a copy of the report to committee members for information. The following correspondence has been circulated to Members: a letter from the Chair of the House Committee on catering staff in the Assembly office; letters from the Chair of the House Committee, the Minister for Assembly business, equality and children and the Permanent Secretary covering responses to questions raised by the committee during discussions of the Assembly's annual equality report 2005-06; a letter from the Minister for Environment, Planning and Countryside concerning the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2006 and the Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2006; and a letter from the Minister for Environment, Planning and Countryside concerning the revised draft circular intended to replace existing guidance on Gypsy sites and planning. The committee will wish to note that there will be an opportunity to discuss the revised circular at the meeting on 28 February. I have also circulated correspondence from Mark Isherwood and the Minister for Assembly business, equality and children on north Wales race equality, and a letter and briefing from Stonewall Cymru on the Goods, Facilities and Services (Sexual Orientation) Regulations.

[41] Finally, on a sad note, Members will be aware that Peter Clarke, the first Children's Commissioner for Wales, died on Sunday after a long illness. I know that this committee would want to pay tribute to Peter, and formally place on record its thanks for his tremendous work during his six years as commissioner. He has undoubtedly made a real difference to the children and young people of Wales, and he has paved the way for others to follow. We would like to pass on our sincerest sympathy to Peter's wife and children. I hope that they can take some comfort in knowing that his work has helped to improve the lives of others.

[42] Are there any other comments?

[43] **Jenny Randerson:** Given that it was raised in committee, it is worth pointing out that there were concerns about the terms and conditions of staff employment in the Assembly. The letter that you circulated to us from the Chair of the House Committee assured us that staff have contracts and full trade union rights, and I was also reassured on the other aspects of concern. The issue was raised publicly and so it is worth confirming publicly that the Assembly has complied with good practice in the employment of its staff.

[44] **Gwenda Thomas:** Thank you, Jenny. Are there any other comments? I see that there are not.

*Cadarnhawyd cofnodion y cyfarfodydd blaenorol.
The minutes of the previous meetings were ratified.*

9.56 a.m.

Perthynas y Pwyllgor â'r Comisiwn Cydraddoldeb a Hawliau Dynol Committee's Relationship with the Commission for Equality and Human Rights

[45] **Gwenda Thomas:** The purpose of this item is to consider ways of working with the commission for equality and human rights, which will come into being in October 2007. Members will be aware that, as of October, the Disability Rights Commission, the Equal Opportunities Commission and the Commission for Racial Equality will be brought together to form a new body. At present, the committee's standing invitees include representatives of the three commissions as well as of Stonewall Cymru and the Welsh Language Board. Members may wish to use this session to discuss whether they wish to recommend to the future Committee on Equality of Opportunity that it has a single standing invitee from the CEHR, or whether relevant members of the CEHR be invited to each meeting, depending on the topic being discussed. A recommendation can be put into the committee's legacy paper.

[46] I welcome Neil Wooding. We congratulate him on becoming the CEHR's commissioner for Wales, and I invite him to make any introductory comments.

[47] **Dr Wooding:** Thank you, Chair. I am delighted and honoured to have been appointed commissioner. There are many worthy individuals who could have contributed to this agenda in much the same way as me. As I have mentioned on several occasions, it is a very exciting time to be taking forward the work of the new commission in Wales. Looking across the UK more broadly, many changes are taking place, but, in the context of Wales, it feels as though there is now an opportunity to make a significant shift in how we think about equality issues. I am minded that Wales is a small, clever country that has made significant strides over the course of the last millennia, in small but important things at key stages in our history, and those have influenced the wider political agenda across the UK and the world. I feel that there is now an opportunity for us to build on the legacy of having worked effectively together over the last few years to deliver changes to the equality agenda.

[48] I am sometimes cautioned about being overoptimistic about what we can achieve in Wales, or about talking-up the progress that we have made, but I am an optimist and I believe that we have made tremendous gains and taken tremendous steps forward. I still think that there is an enormous amount that we want to do in future, and we must demonstrate that Wales can lead the way in this particular aspect of public policy.

[49] One thing that we can do is promote the way in which we work together.

Underpinning the equality community in Wales is a great deal of knowledge and trust about how we work, and that has served us well in developing an integrated approach to equality. I think back to the early consultation around the new commission, five or six years ago, and the unified message that came from Wales was that we saw the merits of being much more integrated and of working effectively together. That is partly attributable to the public duty that is incorporated in the Government of Wales Act 1998, but it is also about the fact that we have always seen that as an aspiration; we have found it very difficult to compartmentalise or separate our respective inequalities or injustices.

10.00 a.m.

[50] We wanted to move forward by seeing everyone in an holistic way, so I am enthused by the idea that now is the time for us to do this. There is a window of opportunity for us to take this forward and to see the commission for equality and human rights as a Welsh organisation. It is easy to think of it as a UK establishment, but it can work in Wales only by being a Welsh organisation. We must strive to ensure that we move forward in the future by building on that legacy of effective and important networks. That is all that I would like to say at the current time.

[51] **Gwenda Thomas:** Thank you for that, Neil. Do Members have any comments?

[52] **Helen Mary Jones:** I congratulate Neil on his appointment; we are very fortunate to have someone who is as well informed as Neil, and who has the background and the commitment to Wales.

[53] It is important that we find some way for all the equality strands to be represented. Although we have always supported the idea of bringing the equalities together, as a committee, we have also been concerned that the commission may end up with a hierarchy, and that some could get lost, particularly the new strands, perhaps, where the work is not so developed.

[54] However, I am not sure how well it would work to have different members of the commission staff here representing the different strands. If you had, say, the commissioner or the chief executive, or whoever will be the main representative of the commission, and someone representing a strand within the commission—someone representing disability, say—had a problem with what the commission was doing or how it was prioritising that strand, my worry would be that it would be very difficult for them to raise that with their boss. I wonder whether—and I am not sure whether it would work, so I am just exploring this—we might want to suggest to the new committee that we do the same as we do with Stonewall. Stonewall is not a statutory body but a voluntary organisation that is recognised as being an effective national voice. It has been able to demonstrate that it consults with lesbian and gay people across Wales, and so on.

[55] Before the Disability Rights Commission came into being, someone from Disability Wales used to be our standing invitee. I cannot remember whether the Women's National Commission Wales is still called that, but there is an umbrella body for women's voluntary organisations. My perception is that it might be more difficult to find such a body when it came to race equality. There are some strong local bodies, but I am not aware of a national body—though Chris may be able to advise us. Could we explore that way forwards, perhaps, so that you have independent voices representing the different strands, who may wish to be critical of the commission to the committee at some point? I am not saying that they will; indeed, I hope that they will not.

[56] Finally, before I finish what I have to say, I must raise with Neil publicly what I have already raised with him privately, namely the comments made last week in *The Daily*

Telegraph by the chair of the commission, Trevor Phillips, in which he said that he thought that the break-up of Britain—whatever that may mean—would be a disaster for people from ethnic minorities. Our view in Plaid Cymru, and the view of the Scottish National Party, is that that is a direct interference in party politics, a few months before an election. We strongly resent the suggestion that a self-governing Wales would be a worse place for black and ethnic minority people to live in. If black and ethnic minority people within Wales wish to express that view, we have to listen to it, but I am not happy to receive that message.

[57] I think that the great strength of the equality agenda in Wales is that all parties are signed up to it; we may have our different priorities and our differences in how we go about matters, but we have been able to develop an equality consensus in Wales, which, picking up on Neil's comments, has set a good example for the rest of the UK. However, I want to say very strongly to Neil that if the new commission wants co-operation from Plaid Cymru, this kind of thing cannot keep happening, or we will not be able to work with it if. We will not. That was a party-political statement, and I am not prepared to accept it.

[58] My party is fielding two candidates from ethnic minorities in the election, who are very strongly of the view, as Welsh nationalists, that they would be better off in a self-governing Wales. That comment was extremely unfortunate, and I had to raise it, Chair, because I want it on the public record. Neil, I know, has acknowledged that it creates difficulties and, hopefully, he will agree to raise it with the chair, who may not have understood the impact that his comments would have in Scotland and Wales. I am sure that there was not an intention to create difficulties, but I can tell you that it has. When these comments are coming from the centre, it puts us in a difficult position when making the case for the equality agenda within our party. I just want to put that on the record, Chair—I do not propose to ask Neil to respond publicly to it now.

[59] However, we need to come back to the positive point of how we ensure that the strands are represented. Could we consider—and it would be interesting to hear what colleagues think—using the voluntary organisations as representatives, and then having the chief executive, or Neil, as the Wales commissioner, as a standing invitee? It would possibly mean ending up with more standing invitees, but I do not believe that one or two more would be a problem—we have added Stonewall Cymru and the Welsh Language Board, which has worked well.

[60] **Gwenda Thomas:** Do you wish to comment on Helen Mary's contribution, Neil?

[61] **Dr Wooding:** I am attending a commission meeting tomorrow in London, and I will raise the matter with Trevor. I will reinforce the case that one needs to be careful about making statements that can have repercussions in Scotland and Wales, which can impact on the nature of political organisations, and then impact on the support that we receive as a commission from those bodies. Therefore, I will raise that with the chair.

[62] On the broader issue of the kind of representation, I would not disagree in principle with what Helen Mary suggests. At one level, it is important to speak with a single, integrated voice. Therefore, it is important for the commission to be represented, because it will enable it to develop a single voice around a series of issues. On the other hand, some of the strengths of this committee in the past, in terms of its openness and accessibility, have been that it has enabled often non-statutory organisations, such as Stonewall and others, to feel that they are being listened to—that is extremely important.

[63] **Gwenda Thomas:** Do you wish to come in on this point, Chris?

[64] **Mr Myant:** Yes. I have never regarded my role as a standing invitee through the Commission for Racial Equality as being a representative. It would be silly if I tried to pose

as a representative of ethnic minority communities across Wales. I try to see my role more as assisting the committee in carrying out its responsibilities of scrutiny of practice by the Welsh Assembly Government, the Assembly, and the wider Wales. I therefore see myself as not representing a particular constituency, but representing race equality practice, and bringing some expertise and knowledge to it.

[65] There is a real difficulty, which has been pointed out, that, in some areas of equality work, you can see, like we have had with Stonewall, a real participation of people who can combine representing a particular community and assisting in a process of scrutiny, but, in other areas of equality practice, that would not be so easy. The committee may need to take a slightly relaxed view in the sense of recommending that the idea of standing invitees be explored. You may need to evolve this, because, at present, if you were to try to choose someone from the ethnic minority communities of Wales, you would probably run into considerable argument and disagreement, and you would not be assisted in what you really want to do, which is to develop better scrutiny.

[66] I have no answer to this at present. We will be discussing this carefully at a special conference that we are calling around Easter, with one of the issues for discussion being the sort of recommendation that we want to try to bring forward. Our commission made a serious mistake in the way that it approached this issue some years ago with the creation of the All-Wales Ethnic Minority Association. That tried to create a complete umbrella organisation in an area where we should have accepted the degree of diversity that existed, and found a way of enabling that diversity to exist alongside some link, through one individual or one organisation.

[67] **Gwenda Thomas:** Is there anything else on Helen Mary's point? You are next, Jenny, on your point.

10.10 a.m.

[68] **Jenny Randerson:** Going back to Helen Mary's point about Trevor Phillips, and her message to Neil, some parties around this table would be relatively relaxed about his comments. I tend to think that the break-up of the United Kingdom, and an independent Wales, would not be good for anyone living in Wales. However, Trevor Phillips's strength—please note that I do not share his politics—is that he is prepared to speak out of turn, occasionally. When you have someone who is prepared to speak out of turn with a strong voice, he will occasionally say things that you do not like. However, one of the things that I would encourage Neil to say to him is that he needs to understand devolution better. We could all send that message to everyone in London, in that they need to understand the issues associated with devolution much better.

[69] Turning to the way in which the strands are represented here, it is, of course, as the Chair would know, written in Standing Orders that we will have a Committee on Equality of Opportunity, and it is very open as to how it is organised. What we are discussing is really an issue for the new committee to decide—we might give its members pointers in our legacy paper, but I do not think that we could prescribe work for them in any way, or that we would wish to do so. I think that there is an issue for the commission to discuss, and for Neil to discuss with the existing commissions and with Stonewall so that, over the coming months, we can produce some kind of set paper with suggestions that the new committee could consider in May or June, whenever it first sits.

[70] **Gwenda Thomas:** Yes, and to recommend that it gives it early consideration, in preparation for the October change. That would be helpful.

[71] **Lorraine Barrett:** It was really refreshing to hear Chris's comments, explaining how

his role with the CRE works. It would not be right for us to set out, as Jenny just said, in tablets of stone what the new committee might do or how the relationship might work. It would not be a good idea to have representative groups coming here, as they all have their own agendas. As Chris said, there is no way that you can have an overarching group that represents black and minority ethnic communities. As Members, I feel that we are here to represent black and minority ethnic people, women, gays and lesbians—everyone; we are here to represent the people of Wales. You have a specific job, and the support and input that we have enjoyed from you, as standing invitees, has been invaluable. You just need time; we all need time—I still need time to get my head around the new commission for equality and human rights, because I still think that I would go to the disability commission if I had a query about disability issues. I think that we are all on a learning curve to see how it works out over the months and years.

[72] However, as Jenny said, if we set some pointers for the new committee, the message is that we really hope that the new committee continues to take on and involve the expertise of people such as our standing invitees—it is a bit of a strange title, ‘standing invitees’—because we do not know it all, and we really appreciate the steer that you give us from within your various strands. It is, therefore, a case of more talking, going back, looking at your structures and seeing how it will work to find the best way in which we can all work together. That is the message, as I would hate to see the new Committee on Equality of Opportunity sitting here with just Members at the table. We have set up quite a unique structure and run it very successfully, but again, the best way of working this through without excluding anyone has to come from the commission itself.

[73] **Mark Isherwood:** On that last point, I agree: as well as the commission, we should be taking guidance from the representative bodies of communities. Chris said that—is it tomorrow that you are holding a meeting or conference to discuss yourselves?

[74] **Mr Myant:** It is in a few months’ time, in April.

[75] **Mark Isherwood:** Right. Hopefully, in anticipation of the committee in the new Assembly, each community will bring forward its own proposals about how it wishes to be represented in that committee, and I think that all that we have to do is agree the principle that it should be represented. There are resource issues attached to that—if there is not an independent, Government-funded body behind that, how will it be resourced? This relates, for instance, to my letter regarding the north Wales race equality network; one of the issues that it raised with me was the growing amount of work that it is asked to do to provide specialist legal advice to various bodies, which it is not resourced to do. It wants to do it, but it does not have the means to do it, because, at present, there is no alternative mechanism that people are aware of. So, there is a resourcing issue, and I think that we need your proposals to come forward, and that links with the issue of each of the strands having parity of representation within the commission. I know that you have been talking about that.

[76] Finally, on the Trevor Phillips issue, from a party-political point of view I found it refreshing and an interesting angle on a broader debate, but I think that the bigger question is this: to what extent should the commission, or the commissioner, or equivalent bodies, interfere in political matters? I know that, quite rightly, the commissions have, over the years, regularly attacked my party; our knee-jerk reaction might be that they are being party-political, but they are not—they are representing their particular specialist areas and interests, and the people that they represent or have specialist knowledge about. You really have to consider where the dividing line should be on all issues, because I am sure that all the parties around this table will have many occasions when we feel aggrieved about things that the commission says about various policies that we are pursuing. So, I think that we should follow some form of protocol on where that dividing line should be. As a libertarian, I would hope that there is very little restriction in these matters, and we just have to be big enough to

take it, but there we are.

[77] **Gwenda Thomas:** We are running into a bit of bother with our agenda and our timetable, and I think that we need to respect one another's views, where we disagree. We must have that underlying respect. Leanne, may I ask you to be brief—not because you are Leanne, or anything like that, but because we are seriously running over? Then, Huw will come in.

[78] **Leanne Wood:** I just wanted to throw a spanner in the works about the strands that are represented. When we went to Scotland to meet with the equal opportunities committee there, it was meeting in preparation for these changes and it already has faith representation and age representation, which we need to think about. Age representation in Scotland was provided by Age Concern, I believe, so where are younger people represented? Age discrimination affects young people as well.

[79] **Gwenda Thomas:** Was the person from Age Concern actually a Member of the Scottish Parliament? The person that I talked to was, because there is an independent Member—

[80] **Leanne Wood:** There is a political party that represents older people, but this was the organisation itself being represented. I want to make a point about Trevor Phillips's remarks, since everybody else has made one. Devolution, in my view, is one step in a spectrum towards independence, so if he is saying that support for independence could increase racial tensions, does that mean that anybody who supports devolution is in the same position? I do not think that this kind of debate is helpful at all; I think that it was right for Helen to raise it, and I thank Neil for agreeing to raise it with the chair. I just wanted my views on the record as well.

[81] **Gwenda Thomas:** I think that it would be a pretty diplomatic chair of CEHR who would not, from time to time, feel obliged to say things that were contrary to the ideology of political parties—whichever they are. Neil has undertaken to convey that message, but I believe that we have had as full a discussion as possible on this subject, and we are going to have to ditch one item already.

10.20 a.m.

[82] Huw, a wnewch chi ddod i mewn ar Huw, will you come in on this question?
y cwestiwn hwn?

[83] **Dr Onllwyn Jones:** I fod yn glir, ni fydd y bwrdd yn rhan o'r comisiwn newydd. Yr ydym yn awyddus iawn i ddal ati i fynychu'r pwyllgor hwn, a gobeithiaf y bydd y pwyllgor yn hapus i ni wneud hynny. **Dr Onllwyn Jones:** To be clear, the board will not be a part of the new commission. We are very keen to continue to attend this committee, and I hope that the committee will be happy for us to do that.

[84] **Gwenda Thomas:** Diolch yn fawr, Huw. Neil, is there something that you would like to say briefly by way of summing up?

[85] **Dr Wooding:** I will just briefly say that that is a useful idea for us to go away and think about what we might recommend as future arrangements to promote that sense of inclusion and representation. I think that that is what we will take from this meeting. We will come back in the future with some positive recommendations. Thank you very much.

[86] **Gwenda Thomas:** Thank you, Neil. I am sure that we wish you well in your role. We have consensus that there should be a Committee on Equality of Opportunity in the next

Assembly and that there should be people on it representing the bodies that have helped us so much during this Assembly. Thank you, Neil, and best wishes.

[87] **Dr Wooding:** Thank you, Chair.

10.20 a.m.

**Rhaglen Waith y Comisiwn Ewropeaidd ar gyfer 2007: Ystyried
Blaenoriaethau'r Pwyllgor
European Commission 2007 Work Programme: Consideration of Committee's
Priorities**

[88] **Gwenda Thomas:** If Members do not mind, I suggest that we deal with this by e-mail and forward any comments to the clerk. Do you think that that is appropriate?

[89] **Lorraine Barrett:** I think that we all support you on that.

[90] **Gwenda Thomas:** Jenny and Mark, are you happy to deal with that by e-mail?

[91] **Mark Isherwood:** Yes.

[92] **Jenny Randerson:** Yes.

[93] **Gwenda Thomas:** Thank you very much. We therefore move on to the next item.

10.21 a.m.

**Yr Wybodaeth Ddiweddaraf am y Cynigion ar gyfer Cyfrifiad 2011
Update on Proposals for the Census 2011**

[94] **Gwenda Thomas:** We are running late, and I am told that Jane Davidson can stay only until 11 a.m.. However, we will deal with that item when we come to it.

[95] We now have an important item, namely the update on the proposals for the 2011 census. We discussed this in the previous meeting. I am pleased to welcome Ian White back to today's meeting to provide us with an update. Mr White is accompanied by Steve Marshall of the Welsh Assembly Government's Statistical Directorate. Ian, would you make any introductory comments, please?

[96] **Mr White:** Thank you, Chair. I think that it might be better if Mr Marshall spoke to the paper. I am happy to pick up any points arising from that paper or about the census generally. I feel that Mr Marshall is a bit more qualified to introduce the paper if that is all right.

[97] **Mr Marshall:** I will give a brief introduction to the paper. This summarises for the committee where things are in terms of developing the 2011 census. Therefore, it is partly for information. Annex D in particular outlines the current position in terms of all of the topics covered by the census, and there is some detail about the transfer of function, which has now gone through, which means that the regulations for the 2011 and future censuses for Wales will be laid before the Assembly rather than Westminster.

[98] The substantive issues in terms of the committee are twofold. The first is to highlight the fact that there is a particular consultation going on, which is run by the Office for National Statistics on the topic of ethnicity, identity, language and religion. In support of that, the

Welsh Assembly Government's Statistical Directorate is holding a workshop, which will be attended by the Commission for Racial Equality, to discuss, among representative groups, the sorts of issues so that we can get a very wide discussion to have a reasonable view from Wales to feed into the ONS process.

[99] Work is ongoing throughout this year on the project on sexual identity. While the ONS has announced that its current intention is that there will not be a question in the 2011 census, it has committed to looking at how information will be collected. Testing will continue throughout 2007. Some work has already been done and a particular issue has been highlighted of there being 'prefer not to answer' responses, and research is being done into why that should be. Questions have been developed, and the current plan is that the question will be in the main household survey in early 2008. This is a large survey within Wales involving some 20,000 households. So, it is a very large sample and a useful data set. In addition, annex E, which we particularly want you to consider, is ONS's current view of what the census form will look like in terms of its topics, based on its working assumption of three pages of individual questions. That is, currently, largely the same as the 2001 census, with a few changes. One is that the marital status question has been updated to include civil partnerships, so that will be an expanded question. To get more information on migration, which is an important part of population estimates, there will be a question on the year and month of entry into the UK.

[100] The question that was asked on carers in 2001 currently does not fall within that three-page proposal. Equally, some new questions on income and the frequency of the use of the Welsh language are not in that option, and some of the questions that we were asked in 2001 on industry and other labour market questions have moved out of the proposals. However, that is also being consulted upon at the moment, and we would be interested in having the committee's views on any particular inclusions or exclusions from the current proposals. As Ian suggested, he will be able to answer any particular questions on the census development process and the ONS perspective. I can add, as necessary, any views or work that we are doing in the Welsh Assembly Government's Statistical Directorate to support this.

[101] **Gwenda Thomas:** Thank you for that. I will interrupt for one minute to say that, in view of the fact that we had long discussions earlier in the meeting on important issues and that we have already agreed that the item on the EU legislation programme will be dealt with by e-mail, the Minister, Jane Davidson, who is due for the next item, is concerned that she would have to cut it short, because she is meeting members of the Cuban Government, which, of course, cannot wait. Would Members agree that we postpone that item? We can squeeze it into the last meeting on 28 February. Do you agree to that? We need to be able to explore this item and the issues that arise from it properly. I see that that is agreed; I am very grateful. Diolch yn fawr—thank you.

[102] Do Members have any comments on what they have heard?

[103] **John Griffiths:** Steve, I think that you said that, as currently proposed, there would not be a question to identify people who perceive themselves to be carers. I understand that there are problems, because not everything that everyone would like to be included can be included, for obvious logistical reasons. However, carers are a hugely important group of people, again, for very obvious reasons, because of the role that they carry out and the implications for the state of their caring responsibilities and the money that is, effectively, saved by the state because those people carry out those roles. A lot of work is going on to try to identify carers, because that is crucial to providing services, support and advice, and getting to grips with the implications of the job that they do and the implications for state provision.

[104] I do not know whether Steve can tell us anything about the debate that has been going on or the factors that have been considered in coming to the interim view that perhaps that

question on carers should not be included. It is counter to what I think should be the case. I can see very strong reasons why that question should be included, notwithstanding the fact that I understand that it is difficult to decide what to include and what to omit, given the logistical problems.

[105] **Mr Marshall:** I will let Ian say a little about the process, which was an internal ONS process, and I will add a few comments on where we are intending to take the discussion.

10.30 a.m.

[106] **Mr White:** I will try to be brief in my answers, in order to help the timing of the committee. The question on carers is not in the test because the question is well established. We felt that it was not necessary to include it in the test, which is coming up this year, and that also allows the test form to include more questions. The options that are set out in the paper that Mr Marshall described are only possible options. ONS has set out a scenario of possible options to stimulate the sorts of questions that Mr Griffiths has just put forward and to get users to put forward a case for particular topics. At the moment, that question on carers is classified in our assessment as category 1, which means that it is in the top category. We realise that there is a strong case for information on carers, and that is why it was included in the 2001 census, and that case has not diminished. However, the case for other questions is equally strong. The situation is that it is not being tested because it is an established question. It is in one of those batches of questions that could go into a four-page form, but may not find room in a three-page form. The consultations that we are about to conduct, in a series of public and open meetings this spring, will help to crystallise some of the views of users, to enable a list of priorities to be established. We have not dismissed carers; we recognise the importance of the issue.

[107] **Mr Marshall:** In terms of our own discussions on that, we have had internal discussions on the proposals in the Welsh Assembly Government, across various policy areas, and carers were highlighted as an issue. We have made ONS aware of that. We are also in discussions with ONS not just in the context of the census, but in the context of needing the information. The question is not currently included in the large household survey in Wales; that may be an option and we are exploring it.

[108] As I mentioned earlier, what was the labour force survey is now an integrated survey. In excess of 20,000 households are included in the survey annually, which allows for good data down to local-authority level. If the question were included in that survey, we could get high-quality annual data, and that may be an option. Even if the census does not include the question, we are trying to ensure that the information is available. What we need to explore in further consultation—whether by us or ONS—is whether there are particular needs that can only be met through the census; for example, data on very small areas or particular small population groups, such as ethnic minorities, which could not be gleaned from a survey. The work is still ongoing, but alternative sources are also being explored.

[109] **Lorraine Barrett:** I have a couple of questions. I want to support John's comments about carers. We are all living longer, and I think that the issue about carers will be far more important in generations to come, with a lot more older people needing care for longer. The needs of carers must be planned for and it is useful to have as much information as possible. We should grasp any opportunity to glean as much information as possible about society, but we understand that pages and pages of questions can be daunting. We need quality responses and information.

[110] I have a question, because I am not sure if I understood what you said properly. With regard to the question on sexual orientation, did you say, Mr Marshall, that it would be part of the household survey, or did I get that wrong? How do you choose where the household

survey goes? I have worked out, from the figures that you mentioned, that there would only be about 850 surveys per local authority across Wales. How do you choose which households are to fill in the survey? Is it done on a face-to-face basis or is the survey sent to people and they then have to fill it in? I think that I have seen one. My other concern about that is that some questions are filled in by the head of the household, or whoever picks up the form, and there are certain questions that people might want to respond to personally. You would not want someone in your family saying, 'Hands up who's gay' or 'Who thinks they are a carer?'. I would rather that some questions were asked individually in a census rather than someone filling out the form for the household. If you can answer the question about how the household survey works, that would help me with my view on what should or should not be left out of the census.

[111] **Mr Marshall:** On the first point, yes, the current plans of the Office for National Statistics are that the research will lead to the question being included in the household survey early next year. On how the household survey works, it is sent to roughly 850 households a year in each local authority area in Wales. The households are chosen from the postcode address file, randomly, in each authority. The only element that stops it being purely random is that it ensures that it does not go back to the same households again and again. Having said that, it is a weird structure: within the quarterly element of the survey, a household is in for five quarters, but it is then not eligible for re-sampling for a period—I am not quite sure how long that is; it is perhaps two years. The boost in Wales is done on an annual basis, so we have a quarterly sample of equivalent to around 3,000 households a year and we boosted it to be 20,000 a year. So, we do not get more results quarterly, but, on an annual basis, we get this very large sample. Those households are chosen on the same random basis, but the structure means that they are in for four years. So, they are asked questions once a year for four years. However, it is spread evenly across the year, so you do not ask everyone in the summer or the winter, because many of the answers can be seasonal.

[112] On how people are actually asked questions, in the first wave, generally speaking, the interviews are done face to face, whereas follow-up questions tend to be asked over the telephone. Questions on issues such as ethnicity, personal information and sexual orientation, I guess, would be done in the same way—they are generally asked in the first interview and not in subsequent interviews, whereas the question of whether you are working, unemployed or seeking a job will be asked at every opportunity. Currently, everyone in the household will be asked questions individually by the interviewer. However, practically speaking, it is not always possible for all members of the household to be there at the time that the interviewer can make it. That means that, sometimes, proxy answers are asked for, and that is an issue that needs to be dealt with, with regard to the research that is going on throughout this year not only into developing the wording of the questions, but also into how the information is collected. There may need to be some more effort involved in ensuring that individuals can give their responses to questions. That is going to be looked at as part of the research that will be ongoing throughout 2007.

[113] **Jenny Randerson:** It seemed to me that the question on Welsh speaking was open to misinterpretation last time, and could have been improved. Are you working with the Welsh language board on this? I know that it has done a significant amount of additional research on it since last time in order to improve the question next time.

[114] On the sexual orientation question, anything that is done on a household basis is bound to be hopelessly inaccurate. Not only did you have a higher number of 'prefer-not-to-say' answers than you might have expected, but 'don't know' probably would have been a legitimate answer. 'Prepared to mislead for the sake of a quiet family life' would also have been a decent option for people to have ticked. Therefore, I do not think that that is a runner in this particular survey.

10.40 a.m.

[115] Another question that I had was on how the enumeration of students is done. I represent a constituency where at least a quarter of the electorate comprises students, and that number is growing. There were very significant errors in Cardiff. This is the gap between the theory and the reality. Some of the halls of residence that have been built were not covered. That is a fundamental error, which has had big financial implications for the council. I gather that it has happened elsewhere and that court cases were brought about it. Therefore, how will you ensure that maps are accurate? Will there be consultation with the council and locally elected representatives to ensure that the information that you base your research on is up to date and informed by local knowledge, because it is the local people who know that there is now a hall of residence for 500 people that was not there a year ago.

[116] Finally, I cannot quite understand the following. At one point in the paper, you say that Wales could pay for additional enumeration or additional methodology, and then towards the end, you state that the Office for National Statistics would pay if Wales wanted additional work done. So, what would be the Government's situation at that time, if it felt that a more thorough approach to any aspect of the enumeration was required? I am not talking about questions, but about the methodology, because I also represent Cardiff city centre where there are fiendishly difficult issues relating to the transient population.

[117] **Mr Marshall:** I will pass the student question over to Ian when I have addressed your other questions. On Welsh speakers, the question changed in 2001 and, so far, consultation responses from the Welsh language unit within the Welsh Assembly Government and the Welsh Language Board have been in favour of a continuity of the existing question, because you have two competing issues: one is constantly trying to come up with a better question, and the other is being able to compare changes over time, which is quite a key issue for many things, but you will want to monitor change in the Welsh language. So, there is a balance to be struck between improving the question and maintaining continuity in order to compare change. Currently, the views expressed have been for the 2001 question, but the ONS is open to changes and the Welsh language is part of the current consultation on ethnicity, identity, language and religion, so the issue is not closed. If demands for the question to be changed arise, they will be considered and, while issues of space—if the question were to become longer—create certain issues, the wording within a space is not currently set in stone.

[118] I accept your point on sexual orientation; it raises many different issues, which is why the ONS took the view that it did on the census and why it is undertaking fairly in-depth research into issues relating to the wording of questions, namely how you ask a question, and the methodology around collection. So, these issues will be raised. Part of the research is cognitive interviewing, where someone goes to talk to a particular individual about the process and the question so that the person collecting information gets not only the response that that individual would have put on the form, but also their views on the experience and how best to ask the question. That method is still in the fairly early stages, but these sorts of issues will emerge and will influence how our data are collected.

[119] In terms of changes and additions to the census, the ONS is responsible for the census in England and Wales. It will continue to fund the census in Wales, and it will be open to views from Wales as part of the ongoing consultation in terms of developing the census. That consultation will lead to certain views on the content of the census and how it is conducted, as well as on the testing in 2007, which includes Carmarthenshire. Small-scale testing will influence whether or not the proposals for the collection methodology are working and whether or not they work in certain areas. That will generate proposals for how it will be done in Wales. The Welsh Assembly Government will have the option to say that it wishes to go beyond that, and, if it is something that is—not just to make it work in Wales—more of an Assembly decision in that we would like it to work a certain way or we would like to have

extra questions, that would go beyond what we would normally have had from the census. It is at that point that the Assembly would have to pay for the additions.

[120] I will hand over to Ian on the issue of students. It is a particular issue that the ONS has done quite a bit of work on.

[121] **Mr White:** Thanks, Steve. Briefly, on the enumeration of students, 'It was ever thus' is all that I can say. Students are a particularly hard group to enumerate for two reasons. One reason is because their general age and lifestyle put them into that population group that is very difficult to enumerate in any case; young men are particularly difficult to enumerate, whether they are students or not. The fact that a large proportion of students also live in communal establishments is an additional problem, as it is difficult to enumerate anyone living in a communal establishment. All I can say is that we are very aware of that, and we will be using two particular measures to try to improve the count of students in Cardiff or elsewhere. We are talking to local authorities, and we have set up a local authority liaison programme for the census to learn the lessons that we picked up from 2001. One of the main thrusts of that is to try to get more information from local authorities on student accommodation in general and on where students live. There is a growing tendency for students to live outside of campus in privately owned student accommodation, such as blocks of flats or apartments that are not in the public sector or the private sector—they are designed for students—and it is very difficult to include such accommodation in the local authority housing count. Local authorities are giving a lot of information in a new initiative, and in terms of the test that Steve referred to, we are getting a lot of support from local authorities, particularly in Carmarthenshire, for getting local-based information to help us with the enumeration. Communal establishments are not being included in the test; we have tried to focus the test on particular aims, but we are aware that we need to cover them much better than we did last time. The example whereby a whole block of communal student residences may not have been covered was a problem that we encountered, and we will be putting in special measures and will have special enumerating staff to cover communal establishments, the locations of which we hope to get from local authorities. So, we have those two measures in hand.

[122] **Gwenda Thomas:** Thank you. Mark and Helen Mary wish to speak next, which gives you about five minutes each so that we can break for coffee on time.

[123] **Mark Isherwood:** I am conscious that people increasingly receive approaches from direct marketing organisations, political parties and others who ring them up and send questionnaires. Therefore, there is a growing reluctance to respond to those questionnaires. A committee member said earlier that it should be about gathering as much information as possible about society, but I would say that rather it is about gathering all necessary information, but keeping no more information than is necessary. That ties in with the discussion that you had about the number of pages and questions in the census, in that you are funded for three pages but you could potentially fill six pages with questions. The issue is about how to make this user-friendly on the doormats, and how to maximise response rates. What response rates would be required to be statistically relevant, and what power of enforcement do you have, if any? I do not know about that.

10.50 a.m.

[124] In addition, linked to that, in the current broader debate about *Big Brother*—not the television programme, but the Orwellian *Big Brother*—and the gathering of personal data by Government databases and so on, how are you reassuring respondents that personal data will not be collated personally?

[125] **Mr White:** I will respond briefly to those queries. We are very aware that there is a

tendency towards diminishing response rates even to mandatory and compulsory services like the census. This is not just a domestic problem; all census-taking countries experience the same thing. The size of the form is part of the burden, and so we are trying to reduce that burden on the public. We are trying to make the form simple and more relevant, and we try to put out as much information at the time of the census to justify why we are imposing this burden on the public. Generally, most members of the public respond quite readily. Last time, 88 per cent responded by post, so it is the remaining 12 per cent of people whom you have to convince. Increasing the post-out may be an option, and it may be the choice that we will take. We realise that there is even less contact with people on the doorstep, so the potential for non-response is even greater. Our publicity campaign has to be effective, and we need to put—and will be putting—more resources into making that a user-friendly form. There will be an option to respond by internet, although I suspect that that will not improve response rates; it will just allow the people who do respond to respond more easily. However, it reflects the fact that the census is changing with the times.

[126] We try to stress, but not overstress, the compulsory nature of it, and the fact that we prosecute for non-compliance. However, it is difficult to wield the stick rather than raise the carrot. We have never overstressed that before, and we do not want public backlash, but we have to manage that balance, and manage it well.

[127] Within particular communities and groups that are prone to non-response, such as ethnic minorities and people whose first language is not English, we have revised and rejuvenated our community liaison programme. Sectors of the community, such as ethnic minorities and the disability groups, are working with us to try to ensure that we allow response in the best way and that we get the message out to various communities. So, we have a thrust of measures to try to halt and improve response rates, not just nationally, but also to try to reduce the differential non-response, which is the problem with the census. If we knew that we were going to get 96 per cent everywhere, it would not be too much of a problem because we could adjust for it; however, it is hard to adjust for the vast differential responses in particular areas. We are putting measures in place to do that.

[128] **Helen Mary Jones:** I will be brief, Chair. First, I just want to say that I think that this is a very positive approach and lessons have clearly been learned from the difficulties with the last census. We all welcome that very much. I also agree with the comments that were made about carers, so I do not need to repeat those.

[129] I want to make a bid for including income as a question in the census, because it is one of the things that this committee has talked about. The Assembly is very anxious to reduce poverty, and, unless we know where poverty is and who is suffering from it, it is quite difficult to do that. You cannot necessarily tell that from economic activity statistics or from the questions about people's employment.

[130] My other question picks up on Jenny Randerson's points on the Welsh question. I can see the point about continuity, but, in some parts of Wales, there is an issue with the frequency of use—that is, people can speak Welsh but never do. In terms of the long-term aim of creating a bilingual nation, it would be useful to know about people who speak Welsh—perhaps they learned it at school—but who never use it. I do not know whether the Welsh Language Board has a view on whether a question on the frequency of people's use of Welsh would be useful, if it were possible to contain it. I am very conscious of the fact that I am making a bid for extra questions here when others have made the point well about needing to keep the form simple and about ensuring that we collect information only when there is a use for it.

[131] **Gwenda Thomas:** Thank you, Helen Mary. Liz, do you have a point that you want to make?

[132] **Ms Morgan:** Yes, and I will keep it brief. I am not actually asking for a response; I will just make a few points, if that is okay?

[133] **Gwenda Thomas:** Yes.

[134] **Ms Morgan:** I am disappointed that it appears as though sexual orientation will not be included in the census. The household survey is not the answer. It will not give us enough data, although the census would have done, so I am disappointed about that.

[135] I have a few comments on points 16, 17 and 20. On point 16, I note that the Office for National Statistics has concerns around the issues of privacy, acceptability and accuracy—with regard to sexual orientation, that is. However, the concerns of the ONS do not reflect the views of the majority of respondents to your original consultation. I do not believe that the challenges around sexual orientation monitoring are insurmountable—they are not so different from the challenges that we faced when we were looking at collecting data on ethnicity, disability and religion. It is disappointing that the ONS has not used its expertise to overcome the challenges to respond to the real need for these data.

[136] Point 17 is to be welcomed. The ONS held an exploratory meeting in April with interested parties, including lesbian, gay and bisexual groups. Stonewall would welcome the formation of those groups. We note that the ONS has also conceded that it would use these groups as contingency, should the Ministers decide to go ahead with including a question on sexual orientation in the census.

[137] Lastly, on point 20, a sexual identity question was run in the omnibus over July and August 2006, primarily to provide a sample for qualitative investigations. It appears that a higher than expected proportion of respondents answered 'Prefer not to say', and an amended sexual identity question has now been developed. However, we have no way of knowing what that response would be. Indeed, we know that workplaces that monitor sexual orientation often find that they have a higher response of 'Prefer not to say' when people are not sure why the question is being asked, and do not feel confident or secure in disclosing that information. So, it is a reflection of how the question has been posed and how awareness of it has been raised, rather than the attitude of the respondents. It is good, therefore, that the ONS is investigating why people would prefer not to say, and Stonewall would be happy to offer the ONS further advice on this matter, if it would be helpful. In addition, if you are not aware of our leaflet, 'How to Monitor Sexual Orientation in the Workplace', I will just tell you that it has some useful and helpful points for monitoring sexual orientation.

[138] I just wanted to make those points, Chair; I am not asking my ONS colleague to respond, necessarily.

[139] **Gwenda Thomas:** Thank you for that, Liz. You have a brief question following up on that, do you, Lorraine?

[140] **Lorraine Barrett:** Yes. Is there any opportunity to fill in the census online, or would that complicate things regarding how you distribute it then by post to those who have already filled it in online? I enjoy filling in the census, but would it make it easier for you if a high percentage of respondents could fill it in online?

[141] **Gwenda Thomas:** I will ask Huw to make his point, and then you can sum it all up, Ian.

[142] **Dr Onllwyn Jones:** Gallaf **Dr Onllwyn Jones:** I can confirm for Helen gadarnhau i Helen a Jenny fod ystadegydd y and Jenny that the board's statistician is a

bwrdd yn aelod o'r grŵp y mae'r ONS wedi'i sefydlu i gynghori ar y cyfrifiad. Bydd y bwrdd yn trafod papur ganddo ef ar ddydd Gwener. Mae'n cadarnhau yn y papur ein bod yn cefnogi defnyddio cwestiwn iaith prawf 2007, sef, fe gredaf, yr un cwestiwn ag a ddefnyddiwyd y tro diwethaf, sy'n gofyn am ddealltwriaeth o'r Gymraeg ar lafar, a'r gallu i siarad, darllen, ac ysgrifennu Cymraeg.

member of the group that the ONS has established to advise on the census. The board will discuss a paper drawn up by him on Friday. He confirms in his paper that we support using the 2007 language test question, which, I believe, is the same question that was used last time, which asks about understanding spoken Welsh, and about ability to speak, read and write Welsh.

[143] Fodd bynnag, deallaf yn awr y bydd hyn yn golygu holi am siaradwyr Cymraeg yn Lloegr hefyd, sy'n beth newydd, ac yn gwestiwn pwysig iawn. Fodd bynnag, i ddilyn pwynt Helen, yr ydym hefyd yn ystyried bod gofyn cwestiwn am amllder siarad Cymraeg yn bwysig hefyd, ond efallai y bydd yn rhaid i Lywodraeth y Cynulliad dalu am gael cynnwys y cwestiwn hwnnw.

However, I understand now that it will involve asking about Welsh speakers in England too, which is a new step, and a very important question. However, to follow Helen's question, we consider that asking a question on the frequency of use of Welsh is also important, although the Assembly Government may have to pay for that question to be included.

[144] **Gwenda Thomas:** Diolch, Huw.

Gwenda Thomas: Thank you, Huw.

[145] Can you gather together the last few points and respond, please, Ian?

11.00 a.m.

[146] **Mr White:** I will pick up the second point. I do not know whether you want to say anything more about the Welsh language, Steve. As far as we can say, the test questions seem to meet current needs, but you did make the point, as did we, that we still have to look at the final frame of questions. We do take note of the views of the Welsh Language Board; it has representatives on our Welsh advisory group, and we work closely with the board on Welsh language issues, and seek its advice.

[147] With regard to completing the form online, I referred to the fact that, although it is not available in the test, we will develop an online internet facility. I made the point earlier that I am not sure whether this will help us to improve response rates. I think that it is true. I suspect that the people who respond online would have responded using the paper form. As to whether it helps us, it would if we were to have a 40 per cent response rate, because that would cut our processing costs to the extent that we would save money. If we do not have a 40 per cent response, then, no, it will not help, as we would have to develop the same internet response system for one person as we would for 1 million people. We would have to put the same security measures in place and it will cost us just about the same. So, to be quite honest, it will not help us, but we realise that we have to offer it. Perhaps in 20 years' time, if we are still doing this operation, response rates will be about 20 per cent.

[148] As an aside, internationally, Canada and New Zealand have both conducted mid-term censuses, and New Zealand got a 7 per cent response on the internet, I think, and Canada, 20 per cent. So, there is quite a range. Of course, I do not know how that was promoted, and they did not necessarily use the same system. There is a range of response, and I do not think that we will have the 40 per cent that we need in 2011, but we will have to do it.

[149] To pick up one other point, we have been trying to include a question on income in the census for 30 years, and we are as near as we can be this time. However, it is not simply a matter of deciding what an income question is, as we have already got the local authorities and the public sector users who want to analyse poverty and deprivation and who, obviously,

want the question to be loaded on the lower incomes. Then you have the market researchers and the direct mailers who are not interested in anyone who earns less than £30,000 a year; they only want information on the high-income groups. So, even devising a question is difficult, let alone encouraging a response. One of the aims of the test is to see whether there is any detectable lowering of response to those forms that have a question on income.

[150] **Mr Marshall:** Briefly, on the Welsh language, there is a question in the test form in Carmarthenshire on frequency of use, which is very similar to the question used by the Welsh Language Board in its add-on to the Living in Wales survey of the Welsh language. The main issue for its inclusion in 2011 is that of space on the census form, and it really comes down to whether we end up with three or four pages. If it is a three-page form, it will be very difficult to fit it in, because you would have to take something else out to make room, and you are down to the really crucial questions. If we go to four pages, we will need to look at what the needs are in Wales, in terms of the balance and whether we can get that question in. However, it is very much down to the length of the questionnaire.

[151] **Gwenda Thomas:** Thank you both for attending and for your contribution to this item. I also thank the Members. We will adjourn now for the break, reconvening at 11.15 a.m. for item 7.

*Gohiriwyd y cyfarfod rhwng 11.04 a.m. a 11.19 a.m.
The meeting adjourned between 11.04 a.m. and 11.19 a.m.*

Adroddiad y Pwyllgor am y Ddarpariaeth ar gyfer Sipsiwn a Theithwyr The Committee's Report on Service Provision for Gypsies and Travellers

[152] **Gwenda Thomas:** I remind those of you who have mobile phones to check that they are switched off.

[153] We have with us the Business Minister, Jane Hutt and the Minister for Social Justice and Regeneration, Edwina Hart. Thank you, Ministers, for attending. I ask Jane Hutt to make her introductory comments on the progress made in implementing the committee's recommendations.

[154] **The Business Minister (Jane Hutt):** I am pleased to introduce the annual update on progress with implementing the recommendations of this very important report: the committee's review of service provision for Gypsies and Travellers in Wales. With your papers, you will have received the update on progress against recommendations from Pat Niner's report, 'Accommodation needs of Gypsy-Travellers in Wales'. That is, annex B.

[155] I will briefly draw attention to some of the key developments in relation to the provision of services for Gypsies and Travellers. We have given a lot of detail in this update along with links to reports and other sites with relevant information. There has been much progress over the past year, which, I hope, has informed and improved our overall approach to providing services to this all-too-often overlooked group. It is vital that we have this annual update and that this committee produces a report and that we can monitor and take stock, as we have done, with regard to our progress in Government. We are developing a more structured and co-ordinated framework to formulating policy on Gypsy and Traveller issues, which will encourage a greater degree of cross-departmental working and partnership with local authorities and other partners. An example of internal process and change is that the Gypsy and Traveller officials working group has been re-structured to ensure that it is much more strategic and effective in the approach across Government to policy development and delivery. This is chaired by the director of the Department for Social Justice and Regeneration, Emyr Roberts, who is here with us today and who will report regularly to

Ministers. That group provides the cross-departmental working forum, which is crucial, and also exists to exchange ideas, identify good practice and disseminate information.

[156] In the wider context, we now have these three key reports: the committee's own review, Pat Niner's research into accommodation needs, and, importantly, the third report, which is the Commission for Racial Equality's scrutiny report, 'Common Ground'. That gives us a far better insight into the current situation faced by Gypsies and Travellers and what is needed to make a real difference. It is important that that scrutiny from the CRE is independent. It had a robust launch last year, very close to the launch of Pat Niner's research. It had a greater steer in recommending ways forward. All of the reports encourage greater involvement not only with local government, but the police, the voluntary sector and the NHS. We need to align all of these recommendations together. The CRE's report, 'Common Ground', reminds us of the context in which we are considering the needs of Gypsies and Travellers in relation to racial equality and good race relations.

[157] I launched Pat Niner's report in Llandrindod Wells in September. The launch was very well attended by over 90 delegates from local authorities across Wales. It was attended by representatives of the police, the voluntary sector, the Cardiff Gypsy and Traveller project, housing associations, the Welsh Local Government Association, race equality councils and other relevant organisations. That was an opportunity for people working with Gypsies and Travellers across Wales to network. We had speakers such as Jake Bowers of the Gypsy Media Company, Chris Myant, the leader of Wrexham County Borough Council, and Pat Niner, and there was also a Gypsy and Traveller community representation feedback discussion. It is vital that we take away from that conference the way forward for the new unit. I am delighted that Edwina Hart is here, as the involvement of the Department for Social Justice and Regeneration will be crucial in terms of the new unit. I am pleased to welcome Carol Mooney, who has been doing co-ordinating work in the strategic equality and diversity unit and who will now become head of the new unit in the Department for Social Justice and Regeneration.

[158] That is all that I want to say, other than that other key developments that you might want to note are, for example, the key circular on planning for Gypsy and Traveller caravan sites, the consultation for which will finish at the end of March. The second Gypsy and Traveller caravan count was finished on 18 January. In relation to recommendation 4, we have produced a minority ethnic communications toolkit in conjunction with the Central Office of Information. So, I have only touched on the overview and some key recommendations; there is more to be done, I accept that, and I hope that this committee will help take us forward in terms of the important response and the outcomes from your report.

[159] **Gwenda Thomas:** Thank you, Minister. I now ask the Minister for Social Justice and Regeneration, Edwina, for any comments, and I welcome Dr Emyr Roberts.

[160] **The Minister for Social Justice and Regeneration (Edwina Hart):** Thank you, Chair; it is my pleasure to be here. As I was a member of the committee that originally looked at Gypsies and Travellers, it is nice to see that work is progressing in certain areas of Government. It has been my duty to implement the issues regarding the housing agenda, which I think are particularly key, but I think that I need to begin by saying that, as a Welsh Assembly Government, we are committed to ensuring that there should be no expectations placed on Gypsies and Travellers to move into settled housing; that has to be taken as read. This is a choice issue, but if a choice is made we need to ensure that landlords understand all the relevant issues, whether they are in the private or the public sector, and it is important that local authorities realise that, under the code of guidance for local authorities on allocation of accommodation and homelessness, they also have to look at Gypsies and Travellers in a certain way, because they are one of the most vulnerable and excluded groups that local authorities will ever have to deal with. So, consideration has to be given by local government

in that context.

[161] I am pleased that the new unit will be housed within the housing directorate, and I am pleased that Carol has been appointed. Obviously, we will have to look at further resources to assist Carol if we are to get this agenda moving. Even though the unit is within my department, Chair, I must have input from all sections and all departments of the Welsh Assembly Government. It is not just a matter for me or Jane Hutt, and it is not just a matter for me as regards housing—it is a matter of all departments being able to work with my officials for us to take the agenda forward. Obviously, Emyr will now be chairing the working group of officials, but it is essential that all Ministers acknowledge their responsibilities in this area, because they have a role and a function.

[162] I have had additional money by way of the £1 million that is ring-fenced for the first year, and a commitment for three years, for improving existing sites throughout Wales. However, I also accept that there is a wider issue about further sites in Wales, and I am afraid that we still have a tremendous amount of work to do with colleagues in local government and with communities in general, so that they actually understand and respect the differences of other people and the way in which they live their lives. That is key if we are to look at the issues of genuine equality and of access, particularly to services.

[163] So, these are the issues that we will face over the next few years. It is sad that Gypsies and Travellers have such a bad press, but, on the other hand, later on the agenda I will deal with asylum seekers and refugees, and we can see some of the xenophobic tendencies that all people have to face in relation to integrating in Wales. I will touch upon that in a later report, if that is of any help, Chair. I would be delighted to take questions.

[164] **Gwenda Thomas:** Thank you, Minister. I ask Helen Mary Jones, in her capacity as chair of the working group, to make any comments. I also thank the members of the group for the work that they have done.

[165] **Helen Mary Jones:** I begin by thanking the Ministers for their papers. It is true to say that we need to have that detail of information, and the working group appreciates that, as I am sure does the committee. I would also like to thank the Members' research service and our committee clerks, who were invaluable to us; there was such a lot of information that it was actually quite difficult for us, as a working group, to get through it, so we depended an awful lot on MRS and on Virginia and Liz.

[166] We met on 22 January and I have some brief points to make as a result of that meeting. I hope that Lorraine and Jenny, who were also at the meeting—unfortunately Laura Anne was unable to be with us—will remind me if I leave anything out, because it is such a big agenda. We acknowledge that there has been some progress, and we were particularly pleased to see that the caravan count is back, and that the accommodation circular is on its way. As a working group, we thought that we ought to take a look at that circular and perhaps feed comments directly back to the Minister, if the Chair was happy for us to do that. We can always send any such comments to you as well, Chair—I am conscious that we do not have much committee time available to come back to this issue before the election. However, we did experience, and wanted to express, some disappointment about the time that it has taken to implement some of these recommendations. These were recommendations that were accepted by the Government almost four years ago, and I think that the Ministers will probably acknowledge—I think that Edwina Hart has already said—that there are differences between divisions as to how much urgency is being given to this. We wanted to stress that, in saying that, we were not questioning the Minister's and the Government's political commitment, but we are questioning the priority that it is given in some divisions. I am conscious that it is a high priority for the two Ministers who are with us today, but I do not think that we, as a sub-group, were convinced that it had the same level of priority across all

divisions.

11.30 a.m.

[167] We also have a concern that we seem to be doing more and more research and that there are more surveys and reports. One of the things that the Gypsies and Travellers told us was that they were sick and tired of being researched and that they wanted things to start happening. So, we hope that the Ministers will be able to acknowledge today that we now have the information that we need and that we need to get on with it. Of course, things like the caravan count will still need to be done—we are not saying, as a sub-group, that there should not be more ongoing research, but we would like to see the effort now going into monitoring what difference the work is making rather than trying to establish what needs to be done.

[168] We also wanted to raise with Ministers the extent to which overall Welsh Assembly Government high-profile strategies are taking into account the needs of Gypsies and Travellers as a matter of course. I suppose that this is a mainstreaming issue, Chair, and, again, it comes back to the profile that the issue has in different divisions. We welcomed the establishment of the Gypsy Traveller unit within the Department for Social Justice and Regeneration. We did have some concerns about whether that meant that people would think that it was a job for the Department for Social Justice and Regeneration and not for them, but we are reassured—I certainly am—to hear what the Minister has said today. However, we would be grateful if the Ministers could tell us a little more about how the relationship with the equality unit will work, because we have a central unit for mainstreaming equality and we now have this other important unit in a particular division, and I think that we were concerned as to the mechanics of making it work across departments.

[169] Having looked at the Save the Children report on educational experiences for Gypsy and Traveller children, we are very concerned. That report led me, as an individual, to think that little has changed overall to improve their experience. Some good practice was identified, but some of the experiences that the children and young people were reporting were heartbreaking and should not be happening. We have a recommendation to the committee about how we would like to proceed on that, to which I will come in a moment.

[170] A further point on educational matters is that we recommended, as a committee, that the Assembly Government needed to review, and issue an update to, circular 52/90, which is about meeting the educational needs of Travellers and displaced persons. We are concerned that it has taken a long time to do that. We understand, however, that work is now under way. Our concern is whether we should have one circular or two, and we want to put this directly to the Ministers and, if other Members agree, Chair, we recommend that you write to the Minister for Education, Lifelong Learning and Skills about this, as it is quite urgent. We think that the educational needs of Gypsies and Travellers and other displaced persons are quite different. Our view is that putting Gypsies and Travellers in with displaced persons is a case of making assumptions. Displaced persons are people who are experiencing temporary difficulties, asylum seekers or people who have had to leave home for a variety of reasons. In terms of Gypsies and Travellers, I was heartened to hear what the Minister said about us having to accept that this is a perfectly acceptable way of living, and not something temporary that people are going through. It is a life that people choose and have every right to choose. As a sub-group, we recommend that perhaps the education division needs to produce two circulars: one that deals with the needs of Gypsies and Travellers and one that looks at the needs of others—displaced persons is old-fashioned language now, but for asylum seekers and so on. Perhaps we will come back to that. We did not feel, as a sub-group, that it was of benefit to asylum seekers or to Gypsies and Travellers to be lumped together. We feel that their needs are very different and we hope that the committee will agree for you to raise that.

[171] To go on to some of the actions that the sub-group would like to recommend to the committee, we were grateful for the information that we had from the Government, but we would like to suggest to the committee that we request further information on timescales for implementing some of the recommendations. It is a matter of regret for us as a sub-group that some of the actions reported are exactly the same in this year's update as they were last year. We were told last year that such and such a thing would be done—we can give the Ministers examples outside the meeting—and we have been told again, in exactly the same language, that such and such action will be taken. We feel that some timescales for implementation would be useful and perhaps that will be helpful to divisions, to give them some targets to work towards.

[172] We would like to ask committee members whether they would support the Chair's writing to the Minister for Education, Lifelong Learning and Skills to ask her to address the issues raised in the Save the Children report. It is of grave concern. We would also like to suggest—obviously, it is for the committee to decide whether it wants to do it—that we should invite the Minister for Education, Lifelong Learning and Skills to meet the sub-group. We are well aware that there will not be enough time to ask the Minister to come before the whole committee, but I am sure that she would want to address these concerns. We felt that we could explore the issues with her as a sub-group, and then prepare a paper for the whole committee. We might want to put any actions arising from that paper in our legacy report for our successor committee. We want to report back and we think that a written report would be the most sensible way to approach that meeting. We would like you to do that fairly urgently because the circular that we mentioned earlier is in the process of being updated and it would be much better if we were able to have input now, rather than for the Government to go out to consultation and for the committee to then come back and say, 'We do not think that this works'. We would like to suggest that this committee may want to say, in the legacy paper for the new committee, that a sub-group will continue to be needed to monitor the Government's progress because it is such a big agenda. We feel that it would be appropriate, if you agree, Chair, to circulate the minutes of the working group, so that committee members can see in a bit more detail what we discussed.

[173] With regard to the Government's reports, we continue to get reports on what has been done, not on what difference it has made. For future reports, the sub-group would like the committee to request that the Government tells us how it is monitoring outcomes. For example, we are told that local health boards have been written to about some of our health recommendations, but we are not told whether that has been followed up and whether the Government is clear whether the local health boards are acting on those recommendations. We understand that, in the early stages, you need to be reporting actions rather than outcomes, but we would request that, for the future, we need to be saying, 'This was done and this is what has changed because of it'. Again, coming back to the Save the Children report, it suggests that whatever has been done has not made a difference to those children and young people. Our main concern is to make a difference and I know that that is what the Government wants.

[174] I have two other very small points, the first of which is about consistency of language. The Government's response refers to Gypsies, sometimes Travellers and sometimes Gypsy Travellers. I think that the committee's recommendation suggested that Gypsy/Traveller should be the norm, unless you are talking about specific actions to address different groups within that group, and then it might be appropriate to talk about Travellers' needs or the needs of Welsh Gypsies and so on.

[175] My final point refers to the Government's paper. In paragraph 30, on the outcome of the conference, reference is made to the need for a unified democratic voice with a Welsh identity in order to consult with Gypsies and Travellers. Our view, as a sub-group, is that that is not likely to happen and that the Government will need to understand—similar to the

discussions that we had earlier about other ethnic minority groups in Wales—that the Traveller community is not homogeneous. Although it may be an aspiration in the long term to get a unified voice through which all Traveller voices could be heard, at the moment, we are worried that a lot of effort could be put in to trying to set up that unified voice, when that time and effort would be much better spent on consulting different groups who speak for the different groups in the community, at least in the short term, with a view perhaps to building that up.

[176] I am sorry that that was quite long, Chair. However, we had an awful lot of information to go through and discuss. Jenny and Lorraine may have other things to add and I am sure that other committee members will. I will end by saying that we are grateful to the Government for the information; we are not questioning its political commitment, but as a sub-group, we are questioning the time this is taking and perhaps the consistency of the commitment across Government departments.

11.40 a.m.

[177] **Jenny Randerson:** I will be brief. I endorse the points that Helen Mary has made and, in particular, draw the Minister's attention to the hard-hitting report from Save the Children, which has clearly looked at this issue in a great deal of detail. The time lapse in terms of progress on education issues really concerns me. I understand that it takes a long time for things to filter down to schools, but the fact that, for example, teacher training issues have still not been addressed—which is something that can be centrally organised—is a matter of great concern. I particularly want to endorse the idea that the circular should be separated out between Travellers and displaced persons, because if you look at the issue of the education grant, the Save the Children report emphasises that that grant is allocated on an annual basis, and that more and more local authorities have been applying for it. Of course, they would do that, because the number of displaced persons— asylum seekers—has increased. Therefore if we are to tackle the Gypsy/Traveller issue, we have to have a dedicated, separate fund.

[178] **Mark Isherwood:** As the Minister knows, I was also at that conference. It was a very useful day, and we heard many informative reports from various people. Throughout last summer, in north-east Wales, there was almost continuous media reporting of stories on this issue, and I know that my phone was pretty hot, largely as a result of local residents with certain perceptions and complaints, and people asking, 'What are you going to do about them?' and how they could be removed from unauthorised sites in particular. That emphasised how real the problem is. However, there were also issues around authorised sites. It was reported that the sites were being damaged, and that public investment had been made in sites that had been damaged. I even had a politician approach me, privately, after I had made public statements in support of this agenda, telling me that I had got it all wrong and asking whether I knew that pipes were being dug up and sold and so on. As I have mentioned before, we need evidence to either validate or refute these allegations in order to deal with them. Clearly, all of that further fuels the fire of public perception, which leads to all those phone calls.

[179] I welcome the £3 million. It says here that it is additional money. It is over a shorter period, if I am correct. I think that Pat Niner recommended that it be over five years; you have provided it over three years, which is, effectively, more money in the short term. However, I understand that, in England, where a comparable sum per capita has been made available, money will also be provided for new sites where required. You have specifically excluded that in Wales. What consideration has been given to the need for new sites, as well as for improving existing ones?

[180] With regard to the conference, the Save the Children report refers to developments

not being communicated to local education authorities, schools and so on. At the conference, there were a number of local authorities—they were very well represented—but there were a number that were not there despite the fact this is a particular issue in their areas. Are you finding the communication and response from local authorities to be the same across the piece, or, if not, what action are you having to take to perhaps encourage some of them to recognise the need for action? You mentioned that the leader of Wrexham council spoke at the conference. He was speaking as a WLGA representative, rather than a representative of Wrexham. He also highlighted the concerns about education funding. I endorse the comments in the report raised by Jenny here. What consideration has been given to those WLGA concerns, as voiced at the conference?

[181] The conference also highlighted something that I had not been aware of, which is the geographical communities of Gypsies and Travellers, many of which are cross-border communities. For example, I think that the north-east Wales community area included areas of Cheshire. So, what consideration is being given to addressing those geographical communities?

[182] Finally, I wish to highlight one point, which is that, in the fringe meetings and seminars afterwards, parents from the Gypsy and Traveller community very powerfully and forcefully emphasised their concern about outcomes for their children. As far as they were concerned, things have not improved.

[183] **Gwenda Thomas:** Catherine, Lorraine and John Griffiths want to ask questions, so we might as well take all the questions first and then bring the Ministers in afterwards.

[184] **Catherine Thomas:** I endorse much of what has already been said. An important point was made by the Minister for Social Justice and Regeneration on the need for all departments to work together. Whenever I look at this issue, I always put it in the context of the Gypsy/Traveller sites in my constituency and how things are progressing there, but perhaps I should say, 'not progressing there'.

[185] I have been visiting the site for three years and I know that I have raised this on other occasions, but I feel that I have to keep raising it as it highlights how slow progress is because the problems and issues that the residents had on the site three years ago are the same that I hear today. Nothing seems to move on. Three years on, it is not acceptable for children—approximately 40 children aged 12 and under—to be living on a site where there are no adequate play facilities, particularly now that we are advocating the importance of play for children. These children have nowhere to play and if they did choose to play in some parts of the site, I would fear for their health and safety as there is a lot of broken glass around and the site is not looked after in a way that would make it a suitable and appropriate place for children to play in. There is also the fact that the buildings where they are expected to bathe have no heating and are ice cold. That is not an adequate or acceptable situation in today's Wales. These problems have been on the site since I have been involved and no progress has been made. It is very worrying and disturbing, so I keep going back to Penybryn in Llanelli to look at the situation there.

[186] Going back to education, I am also very concerned about the shortcomings. I am quite disappointed that we do not have time to have the Minister for Education, Lifelong Learning and Skills here because I would welcome her presence at a full meeting of the committee. I would like that possibility to be explored. If it is not possible, then Helen Mary's suggestion of a meeting with the sub-group is important. However, initially, I would like the possibility of her coming to a full committee to be explored because I am sure that many of us have points that we would like to raise, because this is so important.

[187] The points made on outcomes are fundamental and we raise them continually in these

meetings. For example, recommendation 38 looks at the anti-bullying strategy and the need to include Gypsy/Travellers. I want to know what exactly is happening and how we measure those outcomes. Sending a circular around is not enough; we need to ensure that there is improvement for those children. How will we do that?

[188] Recommendations 16 and 17 are ongoing—one concerns the Royal Mail and the other local authority charges for utilities and the charging policies of utility companies. Those two issues and the problems that they cause have been raised repeatedly with me in Llanelli. I have been trying to get a post box for those residents in Llanelli—if they want to post a letter, they have to go 1.5 miles up the road to do so and that is not acceptable. These are fundamental things that we all take for granted, and that we would not think twice about, but they are mountains for them to climb.

[189] There are many other issues that I could raise, but I know that we are short of time. However, the fundamental thing that we all need to do, and I am sure that we are all striving to do, is to ensure is a level playing field. In reality, we are a long way off from that. One quotation that I cite repeatedly is that made by a resident in Penybryn in Llanelli, who said to me:

[190] ‘All we want to do and all we want to secure is that we are treated like ordinary people.’

[191] We have a long way to go, but I welcome the work that has been done; it is certainly a positive step, but we can only succeed if we work together and that is why partnership working across departments is so crucial.

[192] **Lorraine Barrett:** I will be brief, because I do not want to go over the points that have been made. I agree with most of them and Helen gave a good overview of the discussion that we had at the sub-group earlier this week.

11.50 a.m.

[193] I will look at the point that has been highlighted in the very helpful paper that we had from Save the Children—whose representatives I welcome in the gallery—namely that on the multi-agency groups. The Minister, Edwina Hart, made reference to local authorities and their responsibilities, and more work is obviously needed in that area. The multi-agency approach is crucial. Apart from the provision of public services, such as health, education, and so on, the most important thing is that we tackle the issue of permanent or temporary sites because, until we do that, the whole image of the Gypsy/Traveller community will not improve and that will not help the children to develop in school. We have read about incidents here of their being kept separate from other children. The living conditions, as Catherine said—and I go past two sites in my constituency—are such that it is just a mud bath or a tip. You see little children scrambling around literally in the mud because that is their play area, so local authorities have a big responsibility, and I remember that that is what the Minister, Edwina Hart, said when she was Chair of this committee. It will be difficult for local authorities to tackle this issue head-on and to put their hands up to say ‘We are going to make this huge investment and provide wonderful sites for Gypsy/Travellers’, because, as Mark alluded to, you get that repercussion from some sections of society. So, for me, it is about the site issue and what Assembly Ministers can do in that regard to get local authorities to set up these multi-agency groups to work together to tackle the fundamental issue of their having decent surroundings to live in. Many of the other issues would subsequently fall more easily into place then.

[194] **Gwenda Thomas:** Thank you, Lorraine, and thank you for your work in the group.

[195] **John Griffiths:** My point is also on sites, which are fundamental to all of this. It is clear from the papers before us today that an awful lot of work has been going on in the Welsh Assembly Government and in Wales, and it is good to see that. However, as people have pointed out, much progress and work still needs to be done. Mark's comments rang bells with me because, in my area of Newport, we have a very unhealthy situation where there are constant reports in the media of the problems that Gypsies and Travellers are said to cause by establishing unofficial sites—there is no authorised site in the area. So, there are constant reports of a mess being left as Gypsies and Travellers move on from these unauthorised sites. You get a constant stream of letters on the letters page of local newspapers complaining and asking who is paying the cost. It is all very negative, and it creates an atmosphere that is very prejudicial to Gypsies and Travellers. It is very sterile, so I am glad that there has been consideration of the media position and strategy in our response to all of this. However, the basic problem is that until we have a proper authorised site in the area for Gypsies and Travellers to use, we will have a constant stream of unauthorised sites and alleged problems around those. The first thing that we must do for the area is to get that new site. That is a basic requirement. Until that takes place—and I understand all the difficulties that people have mentioned—there will be a constant stream of controversy and animosity between local settled communities, as they describe themselves, and unauthorised Gypsy/Traveller sites.

[196] **Mr Myant:** I have three brief points. We were discussing earlier in the committee the relationship in the future between your successor body and the Commission on Human Rights. My experience over the last couple of years has been that the work that you have done through this review, and the way that you have sought to follow it up persistently, month after month, with Ministers and so on provides a perfect example of a ground upon which an equality commission can work with this committee to deliver work. We have seen quite a bit of change in this respect. For instance, I attended a meeting called by North Wales Police a couple of months ago in which it brought together senior housing officials from local authorities, its own staff and a range of other agencies to talk about site provision, what the issues were, and so on. This is something that is beginning to move on the ground. Our responsibility as a commission is to ensure that that movement focuses on the key issues. We said at the launch of the Pat Niner report that the commission would be issuing an action note setting out the requirements in terms of people sitting on public bodies, under their race equality duties. We realised that we needed to wait until we had approached all chief executives of local authorities with activities around our code of practice on housing, which refers to Gypsy and Traveller needs. We are doing that in the context of the local housing strategies that local authorities need to develop in the first six months of this year. We will be sending this action note out in the next two weeks to local authorities, NHS trusts, local education authority directors, and a variety of other public bodies, including the police. Among the points that it focuses on is the absolutely urgent need to get sites developed. We see our role in working alongside this committee and the Welsh Assembly Government as being that of a regulator to ensure that, in particular, public bodies properly fulfil their race equality duties and deliver the kind of accommodation that this particular ethnic group in our local communities requires.

[197] We will be working over the next six months with local authority chief executives to audit the way in which they are approaching this as a matter of priority within their decision-taking functions, and looking at this as part of a legacy that we will pass on to the commission for equality and human rights, in terms of the preparation of the next round of equality schemes by local authorities in 2008. We will be recommending that if those schemes have not set out achievements already made or clear work programmes to deliver effective accommodation for Gypsies and Travellers across Wales, on the basis of the funding coming from the Assembly, the advice and assistance from the Assembly will recommend that compliance action is taken against those local authorities. All the pieces needed to provide the solution are now in place. What we need is effective priority decision taking in local authorities across the country.

[198] **Gwenda Thomas:** Thank you, Chris. In view of the remarks made in committee, would Members like to seek an additional meeting with the Minister for Education, Lifelong Learning and Skills, while taking into account that we have also postponed the item on the childcare strategy this morning? I am not saying that that will possible, but we could explore the possibility.

[199] **Catherine Thomas:** Would it be possible to start a meeting earlier, say at 9 a.m. instead of 9.30 a.m.?

[200] **Gwenda Thomas:** The next meeting has quite a full agenda. We are overrunning again today, and we have dumped two issues. Would you prefer that to having an additional meeting? I do not want a big debate on this because I want to bring the Ministers in.

[201] **Helen Mary Jones:** If it is possible to have an additional meeting, the sub-group would certainly welcome that because there are so many other people on the committee who have experiences that we do not have. If that proves impossible but extending the time proves possible, that might be the next best thing to do. So, ideally, a full meeting would be best, but, failing that, we should try to extend the meeting. Failing that, we could go down the route of the sub-group meeting, and perhaps other Members with a particular interest could come to the sub-group meeting. However, if the Minister could come, it would be so much better.

[202] **Gwenda Thomas:** Are Members happy with that? I see that you are, so we will proceed on that basis. Ministers, would you like to comment?

[203] **Edwina Hart:** Thank you. I will deal with the matters that are specific to my portfolio and Jane will deal with the more general issues.

[204] What struck me first, in Helen's contribution, is that we have had enough of research, which is quite true. What we need to put in place are the tools that allow us to take action across the piece. In terms of my portfolio, there are some media issues in terms of sites. Mark alluded to the fact that the way in which we are dealing with this is different to that in England, but he will also accept that the England Gypsy and Traveller population is much larger than ours in Wales, as has been drawn out of the July 2006 statistics. We are committed to dealing with Gypsy and Traveller accommodation issues, but we want to start, in the first place, with the current sites. Catherine eloquently explained what they were like, the reality of them and the living conditions. The unit will then follow up on what is happening in terms of local government. We are making money available and that money is in my baseline; therefore, it does not disappear. You see it for the three years but once it is in your baseline, it is in your baseline. I have agreed with Emyr that we will look at whether we have any other resources on the capital side that we can make available within my budget, to help to assist if local authorities are rushing to us to have the work done on their sites.

12.00 p.m.

[205] It is not just a question of doing up the sites; it is also about the amenities. That point was raised regarding the post box. Are they close to post offices and shops? There has been a tendency in the past to say, 'We will have a site, which will be miles from anywhere else, so no-one can complain to us about anything—let us get it out of the way'. That is not how we should be doing this, so we must consider all the amenities issues in relation to the sites.

[206] We are pleased that 20 of the 22 local authorities participated in the count. However, we must ask—and this goes back to some of the issues that have been raised—whether it is a priority for these local authorities. It might be a priority for Government, but is it a priority for these local authorities, and how do you make it a priority for local authorities that may be

resentful that you are trying to dictate that it is a priority area?

[207] However, on our agenda, we are now looking at work to commence sections 225 and 226 of the Housing Act 2004, which will place a statutory duty on local authorities to consider the needs of Gypsies and Travellers, and then to plan strategically to meet those needs. That highlights our commitment to ensure that results are achieved at the operational end, and at local level; the committee has also made that point. We have also been able to offer guidance through our local housing market assessment guidance, and our local housing strategy for local authorities, to ensure that they are able to fully mainstream Gypsies' and Travellers' needs throughout their housing strategies. However, as Chris indicated, the proof of the pudding will be in how those are developing in that area, and we must also keep a close eye on that.

[208] You asked how this is mainstreamed in portfolios. In mine, it is mainstreamed in my housing and homelessness strategy, Communities First—if there are Gypsy/Traveller communities in them—and the child poverty agenda, on which Huw will undertake further work, which is important. You also alluded to this guidance from education. That is not a matter for me, but the asylum and refugee community would share your concerns about the need for two separate circulars. That is our view here, which, I understand, we have inputted—we need to deal with the group separately. I hope that that also helps the committee, and I would be more than happy to pick up that point with Jane Davidson, because it impacts on other areas of my portfolio.

[209] There has been much focus on education. The Save the Children report was stark in terms of the issues that it raised. However, there is an issue for us about how we deal with immediate concerns, because, if you can get some of the accommodation issues correct, you can then improve some of the other issues too. There is much work to do with the unit. We have had a good response on Gypsy/Traveller issues globally in terms of the Welsh Local Government Association, and Mark mentioned how it spoke at the conference. However, it is now a question of getting into individual local authorities and about how they react; I believe that there will be an opportunity for dialogue with individual local authorities from the unit.

[210] However, the unit will also have to prioritise its work—that is why I stress the importance of every department having to contribute to this work. It will not just be Carol, and it will not just be Emyr chairing the officials group—everyone must understand their role and responsibility. It is a building block—if you are building a house, you start on the ground, and everything else must come in; that is why it is important that it is joined up. I understand the committee's disappointment, in many ways, on the slow progress that appears to have been made in some areas—we would all have wished for it to have been quicker. However, it is a question of drawing those strands together, and I hope that, on my side of the house, we have done that.

[211] **Jane Hutt:** Following on from what Edwina said, I want to link to what Chris said in relation to Helen Mary's earlier points about action and implementation, because that is what it is. This can steer how we bring further reports on this, which, I hope, will be the case, until we deliver. We need those timescales, as well as outcomes, to show what the impact of policy has been on Gypsy/Traveller communities—it is about the outcomes on the children. On Catherine's point about play, for example, I do not believe that that is addressed in this report, and we must recognise that we probably need to go further than this report, in terms of some of the areas that we need to build on. However, we must implement these recommendations—that is the key point. As Chris said, this links to the race equality schemes, and this report can be seen as a template for good practice for the public sector. That was a very useful contribution, but it will be about implementation timescales, outcomes, impact, and consistency of language. The fact that we now have a unit—and, indeed, a senior official co-ordinating it—will mean that it is mainstreamed across the whole of the Welsh Assembly

Government.

[212] That brings me on to the education issues. I welcome the Save the Children report, as the Minister for children as well as for equality. It is important that we have this opportunity for organisations working at the sharp end in the voluntary sector to have an impact, as this committee does in monitoring. Those recommendations and comments in the report must be taken very seriously.

[213] There are a couple of points arising from that. We will take back the comments about the circular, as Edwina said, and on whether we need two circulars, but a revised guidance circular is now in draft form, and will be shared, initially with local education authorities, next month. We need to ensure that this committee's views are taken back, and I will be meeting the Minister for Education, Lifelong Learning and Skills to report on our discussions. I am sure that it will be a welcome request for you to hold the extra meeting to meet her, because we have to get this right—there is no question of that.

[214] On Jenny's point about grant aid, local authorities have made a contribution to that scheme as well as the Assembly, and there has also been extra European money coming in from EQUAL, so it has been raised to about £1.8 million. However, the consultation, and the view of this committee that that should be ring-fenced and kept for Gypsy/Traveller children is crucial, and I will certainly be taking that back. I believe that that is the view that is coming through from the education committee as well, because the ring fence is crucial. We will not get the outcomes until we have that.

[215] There are issues to do with health, and Lorraine made the point about multi-agency working. We have seen good practice developing as a result of some of the work done with the count, for example. Staff working in this field in local authorities have pioneered and spearheaded those multidisciplinary groups, but that should be across the board, and I know that that recommendation has been discussed with the Welsh Local Government Association.

[216] Catherine, on the anti-bullying issues, this all comes under 'Respecting Others', and Gypsy and Traveller children are recognised within that. I know that Jane Davidson has written to all schools asking for an update on how they are delivering 'Respecting Others'. Indeed, they are talking about having a self-assessment tool to ensure that schools take this seriously. We need to take that back, however, in terms of the discussions with the Minister for Education, Lifelong Learning and Skills. Mark, as you say, having parents at that conference as well as local authorities and the Gypsies and Travellers whom we met, will inform us about the progress that we need to make.

[217] Finally, I was pleased to visit the Monkton Priory Community School in Pembrokeshire, because, after that conference, the headteacher said to me, 'You come down and see what's going on at the sharp end'. I believe that Edwina has also visited that school. We cannot just have examples of good practice; we need to mainstream it and deliver on this report.

[218] **Gwenda Thomas:** Thank you, Ministers both. Before we move on to the next item, I understand that we have representatives from Save the Children in the public gallery. I am sure that the committee would want to offer our thanks to them for sharing their research with us. The report has certainly had an impact on the committee's debate today, so thank you very much.

12.09 p.m.

Adroddiad am Geiswyr Lloches a Ffoaduriaid
Report on Asylum Seekers and Refugees

[219] **Gwenda Thomas:** We have the Minister for Social Justice and Regeneration, Edwina Hart, with us for item 8.

12.10 p.m.

[220] **Edwina Hart:** Thank you, Chair, for the opportunity to discuss this particular issue with the committee. I am a very lucky person in many ways, because I have people to advise me on this strategy. I also have the all-Wales refugee policy forum, which assists me in the development of policy, and I place on record my thanks to its members, because this action plan and all this work could not have been undertaken without their help and assistance. Expertise in these areas does not always lie with Government; it can lie outside, and so it is important that we use the skills of organisations to build what I hope will be a good framework for taking refugee inclusion issues forward. As part of my commitment to the all-Wales refugee forum, I chair its meetings and my senior officials attend. We try to get good attendance from across government departments—at least from the Welsh Assembly Government—so that we can ensure that some issues of how we are trying to integrate are quite highly developed.

[221] There are massive issues to do with unaccompanied asylum-seeking children, and we need to recognise that a lot of additional support is needed in that area. I think that it is important that you recognise that we are discussing a suitable model for the agenda of unaccompanied asylum children with the Home Office. There is a need to build capacity to ensure that the services are there and available for them. We have, at official level, fostered good working relationships with the Home Office, and we are keen to have Welsh models to do things in Wales, because we are a small nation, we do know each other, and we think we can do things slightly differently—and, hopefully, slightly better in some areas.

[222] The provision of advocacy services is also essential; we need children to have support during the asylum process, and we need to work to ensure that they have that support. There are issues around that, and I very much welcomed the Save the Children report, 'Uncertain Futures'. There is evidence that service providers lack knowledge about asylum seekers and refugees in Wales, and so we have to deal with some of those issues. The recommendations are being taken forward by the children and young people network, and that is all being discussed in the round within Government.

[223] Obviously, there are issues around the new asylum model, we have made representations about those, and we will continue our dialogue with the Home Office. However, on really practical issues, such as housing, we have been speaking to our partners to improve the housing support needs of refugees particularly, as their needs are no different from those of the rest of the population, and they need to be addressed. This is rather like Catherine's comment that Gypsy/Travellers just want to be treated like ordinary people. Asylum seekers and refugees feel exactly the same. They do not want to be treated differently; they just want to be treated fairly, and in the same way as others are treated. There is definitely progress in terms of the housing sub-group, and I make regular reports to the policy forum on all of these issues.

[224] We are also looking at additional research on asylum projects, such as a survey of refugees' access to their community organisations, a longitudinal study of refugees, and a similar survey of asylum seekers, as well as our collating quite a lot of data from the Swansea re-settlement scheme. A skills audit is also being conducted by Displaced People in Action, so a lot of information is being gathered to help us to make better policy decisions. The

refugee inclusion strategy has gone out to consultation, and I have had a request from my officials for more resources, as we have tried to consult differently. We have not tried to do it with the usual suspects, though we have included them; we have tried to get out to meet asylum seekers and refugees themselves. We have set up meetings in small groups and we have provided facilitators so that issues can be discussed individually. They do not have to go through my long document—instead, they can just talk about the key points that interest them in the document, and those responses will form part of the consultation responses.

[225] I think that that is the way to consult with certain groups, actually. It is very easy when you consult local government on anything to do with its funding, because you know that the council officer will be there drafting the document, the cabinet member will be signing it off, and the leader will be nagging you when they see you. However, with consultations that expect the ordinary person to respond, you really need to get more of a grip on the issues, and I hope that that is what we have done on this.

[226] There are obviously some major issues with these agendas, one of which is public perception, given how the media sometimes run stories on this issue. It is rather similar to the problem of the perception of Gypsy/Travellers. People say, ‘Oh, what are they doing, these people?’. However, there are some really terrible cases out there. We have women in refuges who have no financial support whatsoever, and the refuge is looking after them, as in the case in Catherine’s Llanelli constituency, where a woman is being supported there. There are so many issues on this agenda, but we do feel that we are getting good cross-cutting work, though there are obvious concerns in certain areas.

[227] One of our major concerns in committee has been translation, Chair. We have worked quite hard with the Commission for Racial Equality and Chris Myant on translation issues, because we have the dreadful position of quite young children having to translate for their parents in medical situations—actually, they are too embarrassed to translate the questions that might be asked about medical conditions. There are many issues like that and there has been confusion. So, we have tried to tackle all of the issues within that group. I hope that what we are undertaking with the strategy finds favour with you. It is not easy to deal with these issues, but, with the support of the committee and Assembly Members, I think that we are starting to tackle that agenda.

[228] **Gwenda Thomas:** I would like to ask a question on what is probably a non-devolved issue. There is a reference to the Children Act 1989 and the fact that young people are unable to claim after-care support. How is it that we can supersede the requirements of an Act of Parliament, such as the Children Act 1989 or the Children Act 2004? Why are such young children exempted from the requirements of that Act if it is not amended to allow that to happen? I would like some clarity on the implications of Acts of Parliament.

[229] **Edwina Hart:** Although you have your own legal adviser here, I am happy to take this point back to my officials. We understand that this is the position, because it has been discussed before. However, it has also raised concerns elsewhere. I am happy to put something in writing for the committee to explain the situation. The trouble is that, as you quite rightly said, most of this is not devolved to us. The major issues are not devolved, and we are dealing with the problems that follow those. What we are trying to do with the strategy is make Wales a welcoming place, but also deal with practical issues of housing, health, education and so on as they impact on Wales. When certain things come from the Home Office, we find a problem with how they impact directly on issues that we might like to deal with slightly differently in Wales.

[230] **Gwenda Thomas:** Regulations issued pre-devolution and post devolution—particularly under the Children Act 1989—place a statutory responsibility on local government in Wales. How do we square the round, if you like, in terms of why we are not

seeing the full implications of the Acts when it comes to these most vulnerable children? There is clarification to be sought—perhaps not for this committee, but certainly for the next one.

[231] **Helen Mary Jones:** I wanted to raise that point, Chair, and so I am glad that you have.

[232] I would like to begin by saying how strongly I support the Minister's work and the efforts to develop a Welsh agenda. We all appreciate what the Minister does in relation to the Home Office. In this particular case, I think that refugees and asylum seekers would be an awful lot better off if more of those issues were devolved. However, the Minister does a very good job of dealing with a pretty difficult situation, and so I want to put my appreciation on record.

[233] I want to ask about the public perceptions research. I think that it was encouraging to see that the research found that people in Cardiff were less likely to be worried about things such as the erosion of British identity than people in other parts of England and Wales. However, my worry is about the attitudes of people in those communities where there are probably no asylum seekers or refugees, or maybe only one or two. The paper says that the research will measure attitudes outside the capital city, and it is important to do that, because it may be that attitudes are more positive in Cardiff precisely because people get to know asylum seekers and refugees; you are shopping in the same shops and your children are going to the same schools. I have experienced a lot of ignorant prejudice when talking to some people about these issues outside the big urban centres where, in fact, there probably are no asylum seekers. However, you still get people in Powys telling you that asylum seekers are getting housed when local people are not, and so on. So, I seek the Minister's reassurance that that research will address the kinds of attitudes found particularly in rural communities, which do not have any direct experience. We need to tackle those attitudes too if we are to develop and maintain a more positive approach among the public than is reflected in some of the things that we see in the British media.

12.20 p.m.

[234] **Mark Isherwood:** It is early to be discussing the census, but what figures are you able to compile, or are available to you, on the numbers of people moving into Wales and intending to stay? It has been highlighted to me that, in Wrexham, for example, there are growing numbers of people who are bringing over parents, children and partners in order to make this a home. This is in addition to a large number of people who work here seasonally and go back to their home countries on a regular basis, with the intention of returning permanently at some point in the future. How can we plan to match resources to that need? There will be pockets with housing and education needs, with parents wanting schools of a particular religious denomination for their children. There have been instances with housing where environmental health officers have wanted to tear accommodation down because it is so poor, but councils are asking, 'Where are we going to put them if you do that?'. So, there is a supply issue.

[235] I fully endorse what Helen said on the rural aspects. Obviously, there are particular urban issues in places like Wrexham or Newport, but the North Wales Race Equality Network continuously highlights the issue of total rural isolation and the particular issues that arise for individuals or small groups in rural areas.

[236] On the letter to which you were copied in and to which Jane Hutt kindly replied, I highlight the urgent need for mediation services, as noted by the equality network. It is highlighting an escalating situation, with growing anxiety between communities. At the moment, it is largely between neighbour and neighbour, but the network is concerned that it

will become community to community if we do not bring in some urgent mediation provision at the earliest opportunity. I know that Jane Hutt is in discussions with various groups about this, but we are getting to the stage where action will be required.

[237] I restate the hope that, in your strategic action plan for the voluntary sector scheme, consideration will be given to the point raised that funding goes directly to regional organisations that have a particular knowledge of that area, rather than necessarily to an all-Wales body that may be based elsewhere and which may not be as familiar with different regions.

[238] My final issue is one that I have raised previously—I have copied you in on a letter on this issue—about voluntary organisations being asked to provide legal advice that they are not resourced or necessarily equipped to give. In Jane Hutt's letter, she says that an employers' voluntary code of practice on the treatment of migrant workers and the provision of services in Wales is being developed, which is very encouraging, but what about a document that could go to employers to help them to understand the issue and to meet the need identified by the race equality network?

[239] **Catherine Thomas:** I have one question, in relation to child and adolescent mental health provision for asylum-seeking children and refugees. This is an issue about which many of us are concerned, and we feel that there are problems in delivering this provision for children. However, I am especially concerned about children who have escaped traumatic situations and who have seen an awful lot in their young years. What is being done to ensure that any mental health provision needs that they have are being met?

[240] **Gwenda Thomas:** I cannot see any other indications, so will you respond, Minister?

[241] **Edwina Hart:** There were quite a few points there. Helen Mary, on the public perception of asylum seekers and refugees, I will check the specification, but my understanding was that we should look at reactions elsewhere, which is important. The key issue, when you have a large group of migrant workers, is how does it impact on the reactions of the local community? I think of Llanelli and recent press cuttings, and recognise that there might well be an impact in that particular area. I will certainly take up that point.

[242] Mark raised a number of points, some of them focusing on migrant workers, as opposed to asylum seekers and refugees. An asylum seeker cannot work, it is only when you have refugee status that you can; migrant workers are a related issue. We have that longitudinal study of refugees that the Home Office is doing to get some information. In terms of numbers, we get returns from local authorities, because when they engage with children, they go for their grant. There are a lot of things going on in terms of trying to get numbers and so on, and I am more than happy to look at any further work and discuss it with the forum at the next meeting.

[243] On the migrant workers' side, we are doing quite a lot about employers and so on. I heard what you said about the committee's hard-pressed agendas and I would be more than happy to prepare a note relating to the majority of Mark's points on migrant workers, to indicate what work is going on across the department. We do the collation work, in the main, within my division, via Emyr. If that would be helpful, I will prepare a paper for information, if you are amenable, Chair.

[244] I was particularly interested in Mark's point about problems with legal services and so on. Of course, there is the Legal Services Commission and there are issues about representation. We often talk in our forum about what happens with refugees and asylum seekers and the difficulties that they face. In the past, they have received very poor advice when trying to take cases forward, which is of concern to me. It is an issue that I am happy to

raise once again with the Legal Services Commission.

[245] On Catherine's point, Emyr has just had a discussion with health colleagues about some of these issues. I am concerned about what children have seen and how that will influence them in the future. Some have seen horrible things; for example, some children have seen their entire families murdered in front of their eyes—how do you cope with that? How do we cope with that in the system? That issue is the subject of discussion. Health is one of the key areas for us in terms of how we deal with these issues. I would be more than happy, in due course, to report back on these points and indicate how we are taking them forward.

[246] This is a vast area of work, which we have to manage within the Welsh block grant, in terms of finite financial resources. It is also a difficult area for local authorities and our other partners in the public sector to manage. That is why it is important that we have support for the strategy and general support for the work that we are doing on asylum seekers and refugees. When you meet asylum seekers and refugees, they tell you, in the main, that they have had quite a warm reception. They say that when people get to know and understand, the response has been quite different to their expectations. It is important that we try to maintain that level of consensus and that, as a Government, we do everything to ensure that that welcome is there in Wales.

[247] **Gwenda Thomas:** Thank you, Minister. I thank you and Dr Emyr Roberts for your attendance, and thank Members for their contribution to today's committee. That is the end of today's committee. Diolch yn fawr. The next meeting will be on 28 February, unless you hear anything to the contrary from Virginia. Thank you.

*Daeth y cyfarfod i ben am 12.28 p.m.
The meeting ended at 12.28 p.m.*