



**Cynulliad Cenedlaethol Cymru
Y Pwyllgor Cyfle Cyfartal**

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

**Dydd Iau, 8 Mawrth 2007
Thursday, 8 March 2007**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
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)
Jane Hutt	Llafur (y Trefnydd) Labour (the Business Minister)
Mark Isherwood	Ceidwadwyr Cymru Welsh Conservatives
Laura Anne Jones	Ceidwadwyr Cymru Welsh Conservatives
Jenny Randerson	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Gwenda Thomas	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)

Swyddogion yn bresennol
Officials in attendance

Rachael Campbell-Lawrence	Yr Uned Cydraddoldeb ac Amrywiaeth Strategol Strategic Equality and Diversity Unit
Andrea Nicholas-Jones	Yr Uned Cydraddoldeb ac Amrywiaeth Strategol Strategic Equality and Diversity Unit
Elizabeth Taylor	Cyfarwyddwr, Grŵp Plant ac Ysgolion Director, Children and Schools Group

Eraill yn bresennol
Others in attendance

Amy Barrett	Aelod o'r Grŵp Cyfeirio Reference Group Member
Will Bee	Cyfarwyddwr, y Comisiwn Hawliau Anabledd Director, Disability Rights Commission
Kate Bennett	Cyfarwyddwr, y Comisiwn Cyfle Cyfartal Director, Equal Opportunities Commission
Chris Myant	Cyfarwyddwr Gweithrediadau, Comisiwn Cydraddoldeb Hiliol Cymru Director of Operations, Commission for Racial Equality Wales
Tim Ruscoe	Barnardo's Cymru
Robert Surrey	Aelod o'r Grŵp Cyfeirio Reference Group Member
Andrew White	Bwrdd yr Iaith Gymraeg Welsh Language Board

Gwasanaeth y Pwyllgor
Committee Service

Dr Virginia Hawkins	Clerc Clerk
Elizabeth Wilkinson	Dirprwy Glerc Deputy Clerk

*Dechreuodd y cyfarfod am 2.07 p.m.
The meeting began at 2.07 p.m.*

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

[1] **Gwenda Thomas:** Fe'ch croesawaf i gyd i'r cyfarfod. **Gwenda Thomas:** I welcome you all to the meeting.

[2] I have received apologies from Huw Onllwyn Jones, from the Welsh Language Board. I would like to welcome Andrew White, who is here to attend the meeting in Huw's place.

[3] Yr wyf hefyd wedi cael ymddiheuriadau gan Catherine Thomas, Helen Mary Jones, Leanne Wood a Liz Morgan. A oes unrhyw Aelod am ddatgan buddiant? Mae'n amlwg nad oes. I have also received apologies from Catherine Thomas, Helen Mary Jones, Leanne Wood and Liz Morgan. Does any Member wish to declare an interest? It seems that no-one does.

[4] Fe'ch atgoffaf fod y pwyllgor yn gweithredu'n ddwyieithog a gellir defnyddio'r clustffonau naill ai i glywed yn well— I remind you that the committee operates bilingually and that the headphones may be used to amplify the sound or—

[5] Are you having problems with the headphones? We can use those to hear better, or to choose to listen to the translation or the verbatim broadcast. If you use channel 1, that will provide the translation, and channel 0 provides the verbatim broadcast.

[6] I ask you to turn off any mobile phones, pagers or any other electronic devices because they interfere with the broadcast and translation systems. If there is a fire alarm—Robert, we have had one of these before, have we not?—we will be taken out of the room to safety by the ushers. I ask you not to touch the microphones as they will come on automatically.

2.09 p.m.

**Cofnodion, Adroddiad y Cadeirydd, Adroddiad Blynyddol y Pwyllgor 2005-06
ac Adroddiad Cymyn i'r Trydydd Cynulliad
Minutes, Chair's Report, Committee's Annual Report 2005-06 and Legacy
Report to the Third Assembly**

[7] **Gwenda Thomas:** We move on to item 2 on the agenda: the minutes of the previous meeting, my report, the committee's annual report, and the legacy report to the third Assembly. The minutes of the meeting held on 28 February have been circulated. Are there any comments on the minutes? I see that there are none.

*Cadarnhawyd cofnodion y cyfarfod blaenorol.
The minutes of the previous meeting were ratified.*

2.10 p.m.

[8] With regard to item 1 of my report, Members will have received a copy of Meg Munn MP's response to my letter to the Secretary of State for Communities and Local Government reiterating the committee's position on the Sexual Orientation (Provision of Goods, Facilities,

and Services) Regulations 2007. The correspondence provides assurance from the UK Government that no exemptions will be made for faith-based adoption agencies. I am sure that we are all pleased with the outcome and look forward to the introduction of the legislation and the transitional arrangements.

[9] On item 2 of my report, I have heard from the Scottish Equal Opportunities Committee that it is concerned about the proposed arrangements for Scotland and Wales in the commission for equality and human rights. Wales and Scotland have not been named in the list of directorates and there is a danger, therefore, that they will not have representation at senior management level in the new commission. While Wales and Scotland will be represented at the strategic level by their commissioners on the CEHR board, the lack of representation at the operational level on the senior management team is a cause for concern at the moment. As far as we are aware, the final decisions on the structure of the directorate have still to be made. The Scottish committee is writing to the chair of the CEHR and to the Scottish Executive's Minister for Communities expressing its concern about the proposed arrangements. Does anyone want to comment on this? I have circulated an e-mail that I received this morning from Neil Wooding. If Members feel that we should allow this matter some more time, and if there is anything else that we need to clarify after today's meeting, we can do so through correspondence.

[10] **Jenny Randerson:** It is my view that we should add our voice to that of Scotland, because once a situation is established, it is very difficult to change it. The opportunity to get things right is always at the start of an organisation. I have some concern about Neil's e-mail and the idea that advising intervention at this time will not assist our cause. Political intervention is not something that we should ever be afraid of. I strongly believe that we should add our voice and make our position absolutely clear so that we ensure that particular situations in Wales are taken into account, not just at the strategic level, but at the highest level. I regard the decision not to include representatives from Scotland and Wales at the directorate level as quite extraordinary and a retrograde step. We should never be afraid of speaking out on equalities issues.

[11] **Gwenda Thomas:** Helen Mary Jones and Leanne Wood both expressed concerns similar to those voiced by Jenny.

[12] **Lorraine Barrett:** While I can, in principle, agree with what Jenny said, I would not want us to do anything until you have spoken to Neil. I would want to know why he has said this and what is going on. So, while I can go along with what Jenny has suggested, I would rather take it to Neil. I would not want to ignore what Neil has said, for whatever reason. I would like you to clear things with him, or at least consult with him and see what is really behind it, because you have not had a chance to speak to him.

[13] **Mr Bee:** The letter that was posted to the intranet to all three commissions, which lists clearly directorates for strategies, monitoring and legal, communications and partnership, corporate services, research and analysis, not including Wales and Scotland, contains a separate paragraph that talks about how it is considering how best to reflect the important role of Wales and Scotland in the organisational structure, and that it expects the heads of the Scotland and Wales offices to have a significant Britain-wide functional responsibility. That makes it fairly clear that it is strongly minded not to grant directorate status to Wales and Scotland.

[14] The DRC, as the only commission that has been created since devolution, had directorates for Wales and Scotland from day one, and our chief executive, in a piece of work that he did on organisational design, advised Trevor Phillips at the CEHR that he regards that as essential for a modern commission, committed not just to reflecting the diversity of equality issues, but the diversity of democracy in this country. Therefore, we need to ensure

that Wales and Scotland have powerful and effective voices at the strategy-setting and the business-planning levels within organisations. Otherwise, it sends a dangerous message that policy is distinctly Anglo-centric and has to be amended to work in Wales and Scotland, as opposed to embracing all three countries from day one.

[15] My colleagues in Scotland have strongly supported the public statements that have been made and welcomed what the Scottish Equal Opportunities Committee has done, and, while I acknowledge that Neil is a powerful and effective advocate for Wales, I am also aware that the CEHR is now attempting, having lost a lot of time last year, to do a huge amount of work to build a strategy, undertake organisational design and assimilate hundreds of staff in six months and 23 days. The problems that are shouted at it will get solved; everything else will wait until later. Personally, I feel that waiting for Wales and Scotland to be given directorates at some later stage, as I am sure that they inevitable will be given, will do lasting damage to the CEHR when it launches in six months' time. It is really important for the committee to intervene on this matter.

[16] **Lorraine Barrett:** Briefly, it is absolutely essential that Wales and Scotland, but especially Wales in our context, are not seen to be downgraded in any way across the equalities agenda. That should be made clear. I would like us to make some public representation, however we choose to do it, but it should be in conjunction with Neil. I would not want us to go off and do it on our own. We should do whatever we want to do, but you should speak to Neil and sort something out between you. We cannot let this opportunity go, because it will be too late otherwise. Given the strides that we have made and the position that we have put ourselves in in Wales, as, I would suggest, world leaders, we cannot afford to lose them.

[17] **Ms Bennett:** Briefly, there is no difference between the three of us, other people and Neil on the desirability of achieving this. It is simply a question of tactics. When you say that the people who do the shouting will be the ones listened to, Will, that is not necessarily a desirable way to go about it. If I were a chief executive who had been in post for three days and was shouted at when I had said, 'The decision has not yet been taken on whether or not to give Wales and Scotland directorate status', I do not think that I would experience that as a positive contribution from colleagues in Wales.

[18] One reason why the Scots are particularly anxious about this is that, as you may remember, there is no Scotland commissioner yet, so they are at a disadvantage. Neil is a member of the board, the finance committee and the vision committee. He has been given full authority to set the terms of reference and begin to establish the Wales committee, and I feel as though he is in a position where he feels that he is being listened to. The Scots do not have the benefit of having a commissioner, and that is probably why they have felt the need to resort to the shouting tactic.

2.20 p.m.

[19] **The Business Minister (Jane Hutt):** I am glad to comment straight after Kate's contribution, because I would like to be helpful and positive. As Lorraine suggested, we should be guided by the tone of the contributions made by Kate Bennett and Neil Wooding. We should make a positive rather than a negative contribution about our expectations. It is about how we want to help this to work and we want Wales to make a contribution. If we do it that way, it would probably be more effective and powerful. I will do what I can to assist.

[20] **Jenny Randerson:** I am not suggesting that we shout; I am suggesting that we make our views very firmly known. A letter from you, Gwenda, as Chair of the committee, reflecting the committee's views, would make our views firmly known. You do not have to shout to make it absolutely clear that we regard representation at directorate level as essential.

I am sure that you would set out the reasons why things are not necessarily exactly the same in Wales as they are in England; that needs to be recognised from the start. I would not expect you to do it without speaking to Neil, because that would inform your letter.

[21] **Mark Isherwood:** In addition to the Minister's intervention and speaking to Neil, in terms of the letter, would there be any merit in having a joint approach with Adam Gaines—he as the convenor and you as the Chair? He is seeking our support for a continued high profile, so why not make it a joint mission? My second point builds on what Will said. I know that there has been concern about a parallel merger, in terms of the consumer's voice, and having the appropriate personnel with the appropriate skills in place from day one. You are talking about there being six months to go. We need to be registering our key interests to ensure that that transition is seamless and that the right personnel with the appropriate expertise are there when the doors open.

[22] **Mr Myant:** I think that this has come at a slightly unfortunate time for the committee, given that an election is coming up. An obvious thing that you would have been able to do, had there not been an election, would be to invite Nichola Brewer, the new chief executive, to an early meeting. Perhaps part of the legacy for the incoming Assembly should be to get her down here very quickly. That is the best way of getting the message across. There is no disagreement between any of us about what the solution should be; the question is how we achieve it. We need a good relationship between the Assembly and this future body in the years to come, and that is a way of kicking it off right at the beginning.

[23] **Gwenda Thomas:** I am sure that we all agree with that. I am not quite sure what consensus we have now within the committee. I think that we are saying that we can write the letter, but that that should be done through the Minister, or that that letter should be copied to the Minister, and to Neil Wooding. You would also like me to speak to Neil with regard to this, and to take up Chris's point that we should include in this committee's legacy report a recommendation that we invite the chief executive, and possibly the chairman again, of the CEHR to an early meeting of the committee in the third Assembly. Does that sum up what we are saying and is everyone happy with that?

[24] **Mark Isherwood:** We should also respond to Adam Gaines, the Scottish convenor, accordingly.

[25] **Gwenda Thomas:** Yes. To update you on progress on actions from the previous meeting, a copy of the consultation on sections 22 and 26 of the Childcare Act 2006 has been circulated to Members, as agreed by the Minister for Education, Lifelong Learning and Skills. A copy of the equalities review, which we touched on at our last meeting, has been circulated to Members for information. I intend to write to all concerned, asking that responses to outstanding action points from previous meetings be made available before the end of the second Assembly. I will circulate these responses to the committee in due course. With that, perhaps we can move to item 3.

2.25 p.m.

**Ymateb Llywodraeth Cynulliad Cymru i Adolygiad y Pwyllgor, sef Darparu
Gwasanaethau ar gyfer Pobl Ifanc Anabl yng Nghymru
Welsh Assembly Government's Response to the Committee's Review of Service
Provision for Disabled Young People in Wales**

[26] **Gwenda Thomas:** I welcome Jane Hutt, the Minister with responsibility for Assembly business, equalities and children, Tim Ruscoe from Barnardo's Cymru, and, most importantly—and I am sure that Tim and the Minister will not mind me saying that—the

reference group members, who have again agreed to attend our meeting. I will first ask the Minister to make any comments that she may have.

[27] **Jane Hutt:** Thank you for the opportunity to appear before the committee this afternoon to discuss this important report. I very much welcome the reference group. This has been a pioneering piece of work, and the pioneering part of it has been the role and the influence of the reference group. We have had a debate at which many of you were present. We have also had an oral statement in Plenary, where I was questioned thoroughly about implementing the recommendations. I said in my statement some weeks ago that the recommendations in the report constitute a very significant challenge to how we work. That is not just for me as Minister for equalities, but also for my ministerial colleagues—to ensure that they deliver on those recommendations.

[28] In accepting 35 of the 40 recommendations, I just want to say that we would like the other five to be implemented, but some of them fall outside our powers. However, we will ensure that those national and local organisations deliver and report back progress on those recommendations. Therefore, in introduction, I state that this report on service provision for disabled young people is one of the most important reports that we have had, certainly in the second Assembly, which is nearing its end. If we deliver this, we will make a huge difference to Wales, particularly to the lives of disabled young people. I look forward to the questions, views and discussion this afternoon.

[29] **Gwenda Thomas:** Thank you, Minister. Tim, would you like to say a few words?

[30] **Mr Ruscoe:** No. I will pass on to Amy and Robert. Amy will read the first part, followed by Robert, and then we will go back to Amy again.

[31] **Ms Barrett:** We are glad that you mostly agreed with the recommendations of the report. We are pleased that you can show us what the Assembly is already doing and is planning to do, but there is always more to do. We know this, even though a lot is being done every day. There are barriers in our way, stopping us from doing things that we see other people doing. We still feel that we do not know what the Assembly is doing to check how well the money is being spent. We would like to know how the Assembly can check that the money is being spent fairly. We want the Assembly to make sure that the money is spent wisely and that there is enough for everyone. We all hope to be independent in the future, and that depends on a lot of things together. If we are really going to feel equal, everyone needs to understand that we need to work together and think about how everything fits together.

2.30 p.m.

[32] **Mr Surrey:** How can we be sufficiently independent if we have not practised choosing our helpers, controlling our money and care, learning about safe and good relationships, or becoming more confident in using public transport?

[33] We think that the Assembly could do more to help employers to understand what we need and what they can do. We also think that the Assembly could do more to tell employers what they must do, and what their workers must do. We think that the response should tell us what else the Assembly plans to do, and give us some idea of when it could do it.

[34] We accept that the Assembly is spending money on services, but our experiences prove that the services that we need are not there. Either they are not available, or we do not know about them because the information is lacking, or not getting through.

[35] We want the response to tell us more about what the Welsh Assembly Government can do to help us to feel like the valuable people we are.

[36] **Ms Barrett:** I would like to thank all the members of the committee, as well as Tim and Julie, for letting us get involved in this review. We have all worked hard for two years, and I hope that some of the things that we have told you about will change. It would be very sad if nothing happened to make things better for disabled young people; we would all feel very let down.

[37] I have enjoyed having my voice heard and learning about everyone else's experiences. I hope that one day you will come back to us and ask us to get involved in another project.

[38] **Gwenda Thomas:** Thank you, Robert and Amy. We will be sure to pass that on. Are there any comments?

[39] **Mr Bee:** The Welsh Assembly Government should be congratulated on responding so swiftly and in a generally positive tone to the report. I am a little disappointed that there is an element of glibness to the response. Some of the significant problems identified in the report can be addressed by proposals that are already in place, or emerging imminently, and at no significant cost, in the vast majority of cases. These are problems that young disabled people have been articulating for some time, although perhaps not as well as those young people who contributed to this review.

[40] I acknowledge that some of these proposals may have been in response to those comments; nonetheless, I still believe that some of the problems are more deep-rooted than is highlighted in this response. The Assembly Government has a limited life expectancy at present, which inevitably inhibits its ability to make long-term commitments to change. However, I would certainly want to see the committee, in its legacy report, wanting to see a clear monitoring of that.

[41] I am reminded that Helen Mary Jones, in her response in the debate, highlighted that, four years on from the Gypsy/Traveller review, some parts of the Assembly Government are still only just beginning to be up to scratch. When dealing with issues that affect young people, you must remember that they do not remain young all that long, and so opportunities missed can sometimes never be replaced. I would not want the young people who are following the Members involved with the reference group to have the same experiences as some of the experiences that they have shared with us, and which others have brought before this committee very powerfully.

[42] **Laura Anne Jones:** Following on from what Will just said, we had a joint committee meeting this morning of the Social Justice and Regeneration Committee, the Education, Lifelong Learning and Skills Committee, and the Health and Social Services Committee, to discuss children's issues and the children's commissioner's report. It was recommended there—by Jenny, I think, or perhaps it was you, Chair—that we have a separate committee just for children in the next Assembly. That would incorporate people from each of the committees, so that you really would have an all-round joined-up approach when discussing children's issues, which is so important. I just thought that you would want to know that, as I think that we all wanted that at that joint committee meeting, and we will work towards that.

[43] In that joint committee meeting this morning, we also discussed disabled young people in some form. In one of its next reports, the Children's Commissioner for Wales's office will do a report on how disabled young people can access sport and leisure facilities. I am the Conservatives' shadow sports spokesperson, so I know quite a lot about this, and have been looking at it in Wales. It is a bad state of affairs at present; it almost needs a separate strategy, does it not? I am sure that you have had experiences where, even if the facilities are there for you, the changing rooms and toilets are not, as we have discussed in this committee,

I think.

[44] Therefore, I just wanted to highlight to you that things are happening at the behest of this committee, and people are recognising the importance of what you have said, particularly you, Robert and Amy. Your contributions have been fantastic, and you are making everyone wake up to the real needs of disabled young people in Wales, so thank you.

[45] **Jenny Randerson:** In between the meetings of that joint committee, to which Laura referred, and this one, some of us went to a presentation by researchers from the University of Birmingham about school education for disabled young people. One telling thing about that was the fact that four out of 10 parents had intervened to get a change in school provision, which indicates that a significant minority felt that what was going on was inadequate. There are many useful recommendations from that report.

[46] The Government's response to this is a useful commentary on what is happening already—and, undoubtedly, quite a lot is going on. However, I will echo Will's comments, but perhaps a little more fiercely, which is just what I said in the Chamber when we debated this. I found this a hugely disappointing response. The committee and the group of young people, who spent phenomenal amounts of time on this, did not spend two years of our lives doing this in order to be told, 'Well, a lot is going on already'.

2.40 p.m.

[47] The key point is the fact that none of the recommendations appear to have any financial implications. Money does not do everything, by any means, but things as diverse as training, provision of school buildings, housing and transport cannot be put right without any financial implications. If we are going to make a step change, some of it is going to cost some money. When we were looking at our recommendations, I remember, not toning down, but changing the sense of one of the recommendations on the housing review, because I felt that what we had originally recommended was going to be so massive and expensive that the Government could not reasonably make any progress on it.

[48] To be told that all this is happening is just not credible. The young people concerned would not be complaining in the way that they are if everything was wonderful. I will give you just two examples. One example is the response to recommendations 11 and 12 on the school building improvement grant. We all know about this and how it works, and, over many years, this committee has said that it is not working properly. If only there were something in the recommendation to say that it was accepted that it had not worked perfectly up to now and that it was going to be changed in some way to place a greater obligation on local authorities or to improve monitoring, I might have a bit of confidence that things could improve as a result of this.

[49] The second example relates to housing, and specifically to the fact that local authorities cannot be expected to carry out their audits and collect information without any cost implications. That is just not realistic.

[50] **Mark Isherwood:** This reads very much like several end-of-year reports that we have had on equalities issues in which, rather than work forward from a recommendation or action point, everything is gathered in that can be put under the umbrella and is then fitted in under the recommendation heading. There are many recommendations and responses, and I shall not go through them all. However, turning to the first three that have been accepted singly, these are specifically about issuing guidance to a variety of public, voluntary and private bodies on involvement of disabled people, their families and carers and on access. The response we get is about the exemplar role of the Assembly and internal Assembly Government guidance. Therefore, the response, which claims to be an acceptance of the

recommendation, does not seem to be addressing the detail of the recommendation. How can this now be turned into more of a working document, so that the recommendations themselves can be acted upon?

[51] **Lorraine Barrett:** I have a specific question on one recommendation. I am sure that the Minister will be able to respond to the points that have just been made, but I will pick up on something that Will said at the beginning. He said that he was pleased with the speed at which the response was provided. As Mark spoke, I was thinking that, as was said at the launch of the report, it will be an ongoing piece of work; you cannot just click your fingers and everything will be right. This is an ongoing, long-term piece of work, which we will use almost as our bible, if you like. I am sure that the next Assembly would love to see the young people coming back and use the report as a basis for judging whether things have been taken forward.

[52] On recommendation 8, which is to ensure that all advice and support and so on is available in the medium of Welsh, ethnic minority languages and accessible formats, British Sign Language is not mentioned. Those who are deaf or hard of hearing who use BSL could access the information in DVD format, and you could probably include that in quite a few of the recommendations on communication.

[53] **Gwenda Thomas:** I can remember us discussing BSL, so perhaps Virginia could have a look through the records so that we can take that on board.

[54] **Laura Anne Jones:** My point is further to what I said earlier but also to endorse what Jenny said. The fact that none of these recommendations have financial implications baffles me. Recommendation 12 says that local education authorities and schools are under a statutory duty to prepare central strategies and plans, and one of the purposes is to increase the extent to which disabled pupils can participate in the school curriculum. When I was in school, and it is still what I see when I visit schools, I remember disabled young people—some of whom were very good friends of mine—having to sit on the sideline and watch everyone else take part in physical education and school games. That is not good enough. In order to make a difference we need to train PE teachers and have facilities that are slightly different, which has huge cost implications. The fact that the Government says that it wants to do that but does not put a cost next to it beggars belief; that is just a tiny example.

[55] **Gwenda Thomas:** Thank you, Laura. Tim, are you going to come in?

[56] **Mr Ruscoe:** If I may. I am not speaking on behalf of the young people; this is my voice. It is recognised that things are better than they were, but it should also be recognised that what exists does not work for everyone, so it does not work: if it does not work for all, it does not work. We need to ensure that recommendations from reports and commitments are met. If we review reports over the course of a few years, not only from the Welsh Assembly Government but also from Westminster, many significant recommendations have not been met or kept. So, we need to ensure that we do what we can.

[57] There also possibly needs to be something about a minimum standard. If there is going to be something in place for anyone, it should be in place for all people from day one. We need to be pragmatic about a minimum standard to ensure that people comply.

[58] **Gwenda Thomas:** Minister, would you like to comment?

[59] **Jane Hutt:** I thank Amy and Robert for the contributions and questions. Amy, you said that you enjoyed getting your voice heard, but now that you have given us your voice we must act on it. That comes over strongly, and I take it seriously. Robert, you talked about how you can feel confident in independence, and, also in terms of the point that Tim has just made,

it is a strong and positive point. It is positive in the sense that things are better than they were but they are not good for everyone, but they do not work at all for some people. That is a very clear message.

[60] I will pick up on the issues that Will mentioned. It is disappointing if the report comes over as being glib, because that is not how, as Minister, I would wish for it come over. To a certain extent, you recognise that we got the report out quite quickly and that we needed to have this discussion before the end of this session, to provide a legacy for the next Assembly. So, to a certain extent, it was a position statement, and Jenny, Mark and Laura Anne have made the point that it is stating what is happening. We have to report, and, in terms of what is happening, I am sure that there was some useful information about initiatives and plans that we are taking forward that we still do not, perhaps, place high enough up the agenda. People may not be aware, for example, that we are reviewing the direct payments scheme, which is crucial in terms of independence. I just wanted to comment on those points.

2.50 p.m.

[61] As far as co-ordination is concerned, it is absolutely key. Laura Anne, you rightly said that this is something that came up earlier on today in terms of children. To deliver joined-up Government, as we describe it, for the people of Wales, you need co-ordination; there is no question about it. My role, as Minister with responsibility for equalities, has to be to try to get all the Ministers to respond. You could have the whole Cabinet around the table to really make this work, but somebody has to carry the can and drive this issue. So, co-ordination is key in Government, and then co-ordinated scrutiny is also key, and that is what is happening today.

[62] In terms of the co-ordination and how we are taking this forward, I will just mention those points about independence, which is what Robert and Amy were focusing on. I have mentioned direct payments as one area of independence and, in terms of growing up, having the opportunities to manage your own life and your own care needs independently is crucial. Housing, of course, is another crucial route to independence. Mark, the recommendations here are not all about guidance for the Welsh Assembly Government; they are also about what we expect others to do, because local government is key in delivering this. Looking at housing, we issued the local housing assessment guide last year, and local authorities have to state the requirements to determine what their housing should be like in the future, and they have to take on board in particular what are described in the guide as households with disabilities to inform future planning in housing. We have to ensure that local authorities do that. The partnership spreads outwards in terms of who will deliver this, but we in Government have to make sure that local authorities deliver.

[63] In terms of transport, we are working, for example, with Traveline Cymru to improve the availability of information, and that is about getting another organisation, which we help to fund, to do the work.

[64] You made some very important points, Robert, about employers and ensuring that they change their ways to become more approachable and accessible. That is where we have to work with the UK Government and Government departments to make sure that this makes a difference. Anne McGuire is coming to Cardiff on 20 March, and I hope that you have had an invitation to meet her; I suggested that the reference group should meet her to talk about this report. I am certainly going to meet her. I think that it is a meeting between civil servants and public authorities, but it is a chance to ensure that she, as Minister in the Department for Work and Pensions, strongly and loudly hears the voices of young disabled people in Wales.

[65] Also, in terms of education and lifelong learning, it does talk about various reports coming through, and the Education, Lifelong Learning and Skills Committee's report on

transition is very important. It also talks about the work that Estyn's chief inspector of schools is doing. Some of it reads like 'such and such is coming through' or 'this has just been published', so the monitoring is crucial. We have to make sure that that is the legacy. I am very aware of the fact that we have learnt lessons. I know that you want to hear that as well, and I am not just saying, 'We can do this' or 'We have done that'; we have learnt lessons as a result of this. We certainly learnt lessons as a result of the Gypsy and Travellers report, because we all have to deliver on those recommendations.

[66] Liz Taylor is here today, and she is head of the department that has been co-ordinating this work, particularly in relation to skills, training and education. I will ask Liz to say something about how we can ensure that the curriculum changes are properly funded and central. In terms of budget, and Jenny and others mentioned finances, what I have to do is to ensure that the whole budget of the Assembly is steered by this report. We are now trying to get an equality dimension into our budget. It is not just a question of different Ministers coming up and saying what they want for health, for education, and so on, but about asking what we are doing for equality and young disabled people in our budget. If you give me a message from this committee and from your reference group that the people who decide on the budget have to put equality first, that would be helpful to us and to the Assembly Members who will scrutinise the budget, because I do not think that equality has been high enough in the consideration of budgets. So, I have run through only a few things that have been raised today. I am particularly concerned about responding to Amy and to Robert, but we must have this in the legacy report because it is a pioneering report. I think that Liz Taylor may want to say a few things.

[67] **Ms Taylor:** I just have a few words on the financial implications. The discipline of responding to these reports is to ensure that, where action is identified, we are clear that it is either being funded or will require additional funds. The reason why it states that there are no financial implications in a lot of these places is because it is in reference to the work that is already in hand, but, as the Minister indicated, in quite a number of places there are actions being pursued which will lead to new work. When that new work emerges, we will have to look at financial implications. So, there is no intention in this response to suggest that everything is fine money wise, this just gives a picture showing that, where there are actions that are in hand or immediately proposed, funding exists for them.

[68] Turning to my own area, the Education, Lifelong Learning and Skills Committee is about to produce the third in its series of reports on special educational needs, or additional educational needs, as we now refer to it. That will be a very important piece of work alongside your committee's work. So, this is not the end of the story, because this makes a lot of references to other things that are going on.

[69] On the education side, one or two Members raised the issue of recommendation 12, and talked about the accessibility for disabled children and young people to education. There is reference to the Estyn report, which has appeared since the Government's response was prepared. We can provide the committee with a reference to this, but you may be interested to read what Estyn has said. Its main findings are that where disabled pupils do not have good access to the curriculum, that is because schools lack appropriate variety of teaching methods, have poor information and communications technology provision, and support staff do not have specialist knowledge. Also, some local authorities have not completed their asset management plans for their school buildings. Those who follow the school buildings issue will know that that is a considerable concern of the Assembly Government that we still have authorities that cannot tell us what the state of their buildings are, and which do not, therefore, have proper investment plans. We now require that those investment plans take account of their responsibilities under the Disability Discrimination Act 1995, but we are lacking some of that information from authorities.

[70] In addition, a number of authorities are not efficient in their planning processes. Estyn comments that three of the local education authorities it visited had developed whole-authority approaches to curriculum planning, focusing on individual pupil learning. That is an innovative approach, which makes possible adjustments for disabled learners. Also, very few local authorities have developed effective partnerships between mainstream schools and special schools. The report goes on to mention the lack of specialist transport provided by LEAs. Estyn comments that all LEAs are preparing to train schools and their governors on their responsibilities under that, so it is very much a mixed picture. However, as the Minister said, a lot of this lies with local authorities, not just as education authorities but in other spheres, to deliver.

3.00 p.m.

[71] One key thing that the Assembly Government needs to do is to monitor what is happening as far as local authorities are concerned. Like the Minister, I am disappointed if it comes over as glib; what we are trying to signal is the work that is happening and the work that we are planning to take forward, and a whole variety of other areas of work, including other reports, that will feed into this agenda.

[72] **Laura Anne Jones:** I will just briefly come back in on Liz Taylor's comments. I understand everything that she has just said, but some initiatives will have to come directly from the Welsh Assembly Government and it must not be left to the local authorities to make the decisions concerning disabled young people. Therefore, it will need direct funding from the Welsh Assembly Government. I assume that if you are going to tell local councils that they have to do something, money will follow the initiatives.

[73] **Jane Hutt:** If I could reply on that point, Chair, I would say, 'Yes, of course'.

[74] In terms of financial provision, I did not respond Lorraine on BSL Futures because we have put £2.7 million into that specifically, in order to address the dearth of provision that we had. Lorraine, we are launching advice for public services on Tuesday. It is clear from what you have said, and from Laura Anne's final point, that this does mean money—there is no question about that. However, crucially, it means delivery and monitoring. It is as Robert said: right from the word go, we have to make sure that the money is spent. Even if we give the authorities the money, we have to ensure that they spend it in the way that you have described.

[75] **Lorraine Barrett:** The point that I was trying to make was that when we, in whatever setting that might be, talk about communicating policies and so on to disabled young people and to disabled people, we should think of producing a DVD in BSL that could be distributed to the deaf clubs. We can produce leaflets, but we should think about whether we could also produce a DVD in BSL format. I just wanted to clear up that point.

[76] **Gwenda Thomas:** Thank you for that, Lorraine. Amy or Robert, do you want to say anything else?

[77] **Mr Surrey:** No, thank you.

[78] **Gwenda Thomas:** Are you indicating that you wish to speak, Mark?

[79] **Mark Isherwood:** I would like to come in very briefly. On the point about BSL, we need more than a video; we need digital inclusion through the Sign Wales project and for the Assembly Government to make a decision within the next couple of weeks on whether it is going safeguard the BT investment. I urge the Minister to give that every priority with her colleagues.

[80] **Gwenda Thomas:** Thank you, Mark. Amy and Robert, I am sure that everyone in the room—certainly the committee members and our advisers—would agree that what has made a difference to this review, and what has made it so important, is that your group has helped the committee with it. As far as we know, that has not happened anywhere else in the United Kingdom. I must thank you because it is very important and I know that a lot of people, not only in Wales, but throughout the rest of the United Kingdom, are saying that this has been an excellent review and that the voices of disabled young people have been heard. You know where we started; ‘Nothing about us without us’, was it not? As Chair of the committee, I am very grateful to you and I know that the other members are as well.

[81] You know that there are going to be Assembly elections in May and then we will have the third Assembly—the third period of four years for the National Assembly—and this committee is going to write a report for that third Assembly. We have some of it here today in the papers. We will have a Committee on Equality of Opportunity in the next Assembly and this committee is going to write a report so that the next committee can take on the work that this committee has done on this review. That new committee will then be given the opportunity to monitor to ensure that the recommendations that this committee has made are carried out. That is how it will go forward.

[82] **Ms Barrett:** What happens to the report now?

[83] **Mr Ruscoe:** Amy would like to know what will really happen with the report now.

[84] **Gwenda Thomas:** I think that that will be up to the Members who are elected and who become members of the Committee on Equality of Opportunity that will be established for the next Assembly. However, I can say that if any of you, at any time, want to make representations to the Assembly, you can do so directly to the Ministers, whoever the Ministers will be in the next Assembly, through your local AMs, and you can certainly do that through organisations such as Barnardo’s. Is that okay?

[85] **Mr Surrey:** How often will you review the report to see how well it is doing?

[86] **Gwenda Thomas:** I would like to say that it should be very often indeed. However, as I said, we will have a new Assembly. The report is there, and it is highly respected because your group took part. It will now be up to your group. Tim, or some of the advisers here, might also want to say in the future that they want to see the recommendations being taken forward. It will be for the next Committee on Equality of Opportunity to scrutinise, that is, to look closely at what Ministers will be doing with the recommendations in the report. Virginia tells me that these reports are normally looked at annually. However, I am sure that you will not let a year go by without asking whether this report is on the agenda of the next Committee on Equality of Opportunity. The Minister would like to say something.

[87] **Jane Hutt:** I wanted to confirm that we are trying to arrange for Robert and Amy and the reference group to meet with Anne McGuire, the Minister for Disabled People in the UK Government. She is coming to Cardiff in two weeks’ time. It is useful for the committee to know that, as well as the young people, because it will be crucial to discuss the recommendations that relate specifically to employment with her. I hope that that is a welcome move.

[88] **Gwenda Thomas:** It is.

[89] **Jane Hutt:** Perhaps we should also say that we should revisit this—whether we are here or not—in six months’ time rather than a year.

[90] **Gwenda Thomas:** Indeed. I am sure that you are glad to hear what the Minister had to say. I would be interested to hear the outcome of the meeting with Anne McGuire, the Minister from Westminster. I am sure that the Minister will let the committee know how that meeting goes. Thank you. I will say it in both Welsh and English: Diolch yn fawr i chi; thank you very much to you all for your help. It has been invaluable. I also thank Barnardo's; we must not forget about Tim and all of the staff who have cared for you and who have helped you.

[91] **Ms Barrett:** We could not have done it without them.

[92] **Gwenda Thomas:** Thank you very much to all of you. [*Applause.*]

3.09 p.m.

Cynllun Cydraddoldeb Rhywiol Drafft Llywodraeth Cynulliad Cymru Welsh Assembly Government's Draft Gender Equality Scheme

[93] **Gwenda Thomas:** Would you like to introduce this item, Minister?

[94] **Jane Hutt:** Yes, thank you, Chair, I will be brief.

3.10 p.m.

[95] I wanted to say that we have been preparing this programme of work with a view to securing a transfer of functions Order to enable us to have a specific duty for Wales during 2007-08. However, we did not want to stop work on developing the scheme, so we held three events last year throughout Wales in Carmarthen, Mold and Cardiff to involve men as well as women in the development of the gender equality scheme. Those two points are probably key to some of the discussions.

[96] In addition, the gender equality scheme that is before us covers a 12-month period only, because, from April 2008, we will be publishing a single equalities scheme and departmental action plan, covering all of the equality strands. You have departmental action plans here. In terms of providing the information that we have, equality champions have been key as well as the officials from the strategic equality and diversity unit. We need to do more work, following on from your comments, on those departmental action plans and take them back for their consideration. We will then launch the gender equality scheme in a couple of weeks' time, before the end of the second Assembly, and move forward after the election, although the discussions are already taking place in terms of the transfer of function Order.

[97] **Gwenda Thomas:** Are there any comments from Members or from this side of the table?

[98] **Mr Myant:** I have a question, which is partly stimulated by what Robert said at the end of the previous discussion. How often would the response from the Government and the recommendations in your report on disability issues be reviewed? This scheme betrays some of the same problems that were shown with the race equality scheme, namely that the action plans are often vague and, while they may be well intentioned, they do not offer you specific, measurable, achievable, realistic and timed objectives. They offer process arrangements that may enable SMART objectives in the future. That may be because that is where we are at, and, if so, we need to be clear about the timetable for getting SMART objectives on the table. One of the reasons why this is the case is that—this is not just a problem for Government, but for all of us when trying to look at how to secure equality outcome objectives—action plans continue to be prepared at too low a level in the organisation. I notice that paragraph 4.3 on

page 13 talks of departments preparing their own action plans, which tends to mean that the staff preparing them have sat in a silo and do not get enough guidance from higher up in the organisations about what are key change priorities.

[99] The second issue is in the paragraphs just underneath that, which is a step back from the race equality scheme. One of the things that arose in the discussions between the CRE and the Assembly in relation to our scheme—or rather your scheme but the one that was relevant to our strand—was that action plans, where they were going to be changed or revised, should be prepared in consultation with us. This is not, strictly speaking, something that is set out in the law, but it means that there is a moment in time when we are formally required to give advice and suggestions to officials about how well things are going. We put that in the scheme deliberately, because we felt that this is very much a development process and that it would give us an opportunity to step in and say something if we did not think that things were going right. That is where we are at the moment in our discussions with officials. We are discussing the action plans under the race equality scheme for the coming year, and that gives us an opportunity to be quite sharp where that might be necessary, or congratulatory and so on. It means that there is an external focus, which helps the scrutiny process, and this committee, or its successor, will need to look carefully at ensuring that such schemes are developed in a way that allows that kind of external input, particularly some kind of formal scrutiny process. I know that this is just for a year, or in the run-up to spring 2008, and I think that all the commissions welcome the idea of moving towards an equality scheme and so on, but we must not lose sight of the fact that we need to build in that scrutiny process from the beginning.

[100] **Ms Bennett:** I am pleased to have the chance to make one or two comments. Unfortunately, we have not been able to meet officials because of ill health and so on. However, we will be doing so before 26 March.

[101] I think that my comments fit in very well with what Chris has said. We need to see this scheme very much as preparing the way because, in reality, not a huge amount is likely to be achieved in a year, so it is a question of paving the way. At first sight, it looks as though there is a tremendous amount of small actions in the scheme. On the one hand, that may be valuable because it may be raising awareness across a large number of departments and among a large number of people, and it may be engaging many individuals in the Assembly in terms of thinking about what they could do about gender equality. We would not want to discourage that or reduce the enthusiasm of many people to address the issues.

[102] Our code of practice requires authorities, as Chris was saying, to identify the most significant and intransigent areas of gender inequality. We have had a long time—32 years, since the legislation was passed—to know what those are. They probably include equal pay, childcare, social care and domestic violence. Those issues should be addressed.

[103] The other issue is who is delivering? Perhaps more could be done to tighten up the section on the connection between the Assembly's scheme and the delivery by local authorities. We need to be realistic; we have only a year with this scheme, but we want to use that year in the best way that we can to ensure that we have at least identified the major issues that will be properly addressed in the forthcoming year. So, I look forward to more discussions before this finally gets under way in April.

[104] **Jane Hutt:** Those are very pertinent points and we have many lessons to learn from the race equality scheme. I am not saying that in terms of the scheme itself, which was compliant, but in terms of its implementation, as Chris said. We have had robust meetings about the implementation of the race equality scheme. The lessons from that are very pertinent to this. As Kate said, we have a year in which to get this right before we move to the single equality plan.

[105] On the issue that Chris raised on whether these are just departmental plans in silos or whether there is some kind of leadership from the senior business team, politicians come and go, but civil servants stay and they have to deliver what Ministers want while their Government is in power. We must ensure that this is embedded in the senior civil service and that there is leadership there, as well as political leadership. We must also ensure that this is not silo based, because we know that it is cross-cutting in terms of delivery on the gender equality scheme. That can be done only with the impact assessment tool, which is on page 7 of the impact assessment.

[106] We have done the equality audit and looked at the methodology to cover all of the equality strands, which will be critical with the CEHR. If we do not have a robust impact assessment tool, we will never be able to deliver on this. The equality impact assessment methodology has been piloted. We do not only need our departmental equality champions, but also our critical friends. I think that we can learn from the disability equality scheme because the critical friends group has met once and will meet again next week. From what I understand, the critical friends disability group is already very powerful and is making an impact. So, we must ensure that that comes through in terms of the gender equality scheme. Whoever it is, they will have to get a robust transfer of function Order through, which is a big task, to strengthen this. The Equal Opportunities Commission is developing a code of practice but, as you say, embedding this across the whole of the Assembly Government so that it is thinking and delivering equality will be the real test.

3.20 p.m.

[107] **Mark Isherwood:** I have two brief points. I endorse what Kate said about local government. I have referred to this before. My wife had a huge battle even to be called 'councillor' because she was a woman. Women councillors were called 'Mrs', 'Miss' or 'Ms' but the men were called 'councillor'. That is one example of a cultural lack of understanding of what the barriers are. My concern is that authorities and other organisations can, with the best intentions, sign up to all sorts of plans, but without there being a basic understanding of what they mean, we are not going to make any real changes. It is about how we drive that change and that understanding and appreciation of the issues.

[108] Related to that—and I know that you cannot go into too much detail now—in terms of equal pay, overcoming the barriers in terms of capitalisation and the legal challenges that are now being fought regarding people who are at the top of the scales and those who are below them who want there to be equalisation, how are we going to overcome the hurdles in a very difficult financial and legal environment?

[109] **Jane Hutt:** I think that the chapter on how we work with local authorities is very relevant here. I think that it was last summer that Sue Essex, the Finance Minister, met with each local authority and I know, because I followed up all those meetings with leaders, that equal pay was on the agenda in terms of performance. Equal pay was the key agenda item but equality issues were also clearly there. We are now looking at equality-related measures in terms of policy agreements that are being thought through for next year, and our work with the Welsh Local Government Association is crucial. I know that this committee meets regularly with the WLGA equalities unit, but there is no doubt that this is very much like our previous discussion: so much of the delivery is at local authority, health service and public sector level, locally, and we must ensure that it is fed right through the funding formula and performance monitoring and that it is at the top of the agenda. Through 'Making the Connections', the Beecham review and the local government policy statement published today, equality has to be much further up the agenda.

[110] **Gwenda Thomas:** Thank you, Minister. I understand that you have to leave and that

you want to make a statement about the EU year of equal opportunities.

[111] **Jane Hutt:** I will circulate this. This year—we are into it already—is the European year of equal opportunities for all, and we are going to host a range of events and activities during the year focusing on discrimination and looking at four key themes: raising awareness of the right to equality and non-discrimination; representation and stimulating a debate on ways to increase participation from under-represented groups; celebrating and accommodating diversity; and recognition and respect and tolerance, promoting a cohesive society. So, we are setting up a steering group, which will meet later this month. I am happy to circulate this statement that lays out the principles of the European year of equal opportunities.

[112] **Gwenda Thomas:** I am sure that the committee would want to thank you for your role in the work of this committee during the second Assembly. Thank you.

3.24 p.m.

Adolygiad Blynyddol y Comisiwn Cyfle Cyfartal ar gyfer 2005-06 Equal Opportunity Commission Annual Review for 2005-06

[113] **Gwenda Thomas:** It is very apt to have items 4 and 5 on the agenda on International Women's Day. Kate, would you like to make some introductory comments?

[114] **Ms Bennett:** Yes, please. It is indeed a huge privilege to present our last ever annual report on International Women's Day, and to such a select audience. It is our final report, and, to some extent, we reflect in the introduction on the 32 years of the existence of the Equal Opportunities Commission, and on how our tactics have changed over the years, even though our strategies remained unchanged. We also look back briefly at our work in 2006, and take a forward look at the gender themes that we want to carry into the new commission for equality and human rights. Significant progress has been made, over the lifetime of the Equal Opportunities Commission and in the last year itself, and much of that progress has been made in partnership with other people, with brave and courageous individuals who have stood up for their own rights and battled for others. We have worked with trade unions, forward-looking employers, and most particularly over the last eight years, with the Welsh Assembly Government and with this committee. We appreciate the leadership that you have shown in promoting the equality agenda in Wales, and we appreciate some of the things that have been done here, including the cross-party working group on equal pay, for example. We also appreciate the fact that this committee embraced the mainstreaming agenda. We undertook the mainstreaming equality review, and we produced the recommendations that are now being implemented. Both policy reviews on Gypsy/Travellers and on disabled people have set a fantastic example. However, we still have some way to go, and we do not really feel that gender equality has been achieved.

[115] From our point of view, most of our work over the past 30 years has been around the world of work, employment, and, to some degree, education. Over the past couple of years, and as we look to the future, we are looking very much more towards wider themes in service provision, citizenship, safety in the community, and so on. We also look forward to ensuring that gender is fully integrated with the other strands of equality, and not just the six strands that are talked about in England, but also the Welsh language, the children's agenda, Gypsy/Travellers, and many of the additional aspects that we have talked about here.

[116] In choosing these six themes, we have tried to think of themes that will be relevant to everyone, whatever their identity. I will go through them very quickly. We are talking about life at work; life as a carer or a cared-for person, so, in other words, family life; safety in the

community; receiving public services; citizens with leadership potential; and legal rights. So, we feel that if we can look at those six themed areas, there will be relevant issues as far as gender is concerned, but also issues relevant to race, disability, sexuality, and so on.

[117] The big issue in employment is of course equal pay, and I think that the work that has been done in Wales has been very effective over the last few years. We may almost be at the point of delivering equal pay in some local authority areas; we know of at least three or four local authorities that are more or less at the point of dealing with the problem. We do not know quite enough to be confident that everything will be resolved, and we realise that not all the deadlines will be met by April, but we have seen some good progress. However, there is still a long way to go, particularly for part-time women workers. Another area that we have worked on this year and which we feel should be carried forward into the new commission is the position of women from ethnic minorities, and whether they are able to work without being discriminated against. I do not like, but I am moved by, the quotation on page 6 of the review, from a young ethnic minority teenage girl:

[118] ‘Employers may not like me because of my colour and the clothes that I wear. I may not have the same chances of getting promotion’.

[119] I think that that is quite a heartfelt comment, so there is important work there to be taken forward by the commission.

[120] On care, another thing that we can be proud of in Wales is the joint project that we have all participated in, co-ordinated by Dr Alison Parken. Again, it is on the verge of publication, and it looks at issues around social care: who receives it, who needs it, is it of the right kind, what impact does poor social care have on people who need to be assisted to independent living, and what impact does it have on carers? That will set out a fantastic agenda for the next Assembly Government, the next committee on equality and the commission for equality and human rights in Wales. Care is probably the best example of the way in which all the strands blend together.

3.30 p.m.

[121] The next page is about safe, cohesive and integrated communities. A task of the new commission will be to work towards reaching a position in which women, who are our focus, and other people are not oppressed in the home, in which one in four women are not subjected to domestic violence, and in which women, lesbians and other people are not subjected to violence and hate crime in the street. As the Equal Opportunities Commission, we have to acknowledge that we have not put sufficient effort into this area over the years. However, it is now coming very much to the top of the agenda.

[122] On public services, we have often spoken at this committee about the fact that the one-size-fits-all model does not work. In Wales, we have the promise of the Making the Connections agenda, the Beecham review and the transformation of public services to ensure that they meet the needs of women and men, disabled people and any groups that we may think of, such as Welsh speakers, ethnic minorities, older people, young people and children. I think that we have that promise and aspiration, but there is a little way to go before we get the delivery, and that has been very apparent in the discussion this morning. We are looking forward to working around public services and ensuring that the needs of women and men—and you will see the swimmer featured in the report—are met in the new life after October. The public duties that we have just been talking about will, hopefully, be an important driver of change.

[123] Many issues relating to employment, education and public services are determined by leaders, and that is why we have identified equal power as one of the six themes that we think

need to be very clearly identified by the new commission. We have done work this year, as we have over the years, on highlighting the absence of women from the corridors of power—with the exception of the Assembly, as 52 per cent of its Members are women, which exactly mirrors the proportion of women in the population of Wales. That is not the case hardly anywhere else in Wales or the UK. We are hoping that this will be a major area of work for the new commission when it comes into being.

[124] Finally, citizens have legal rights, but many citizens in Wales and elsewhere have not been able to exercise their legal rights, either because they are not clear or because they do not have the support that they need. Over the next few months, with the discrimination law review and the equalities review, we will be trying to set an agenda to ensure that we have new legislation that is simpler, stronger and easier to understand. That might make it easier for people to access their rights, but we do not anticipate that people will be able to access them unassisted. This is a huge issue for the new commission. Is it going to have the resources to help people to access their rights, or are we going to be pressing others to provide advice and support? If this work is not delivered adequately, our first task may be to carry out an investigation of the lack of advice and support available for people who wish to access their rights.

[125] I have not spoken for very long, as I hope that our report is fairly straightforward. You can see the major issues on pages 18 and 19. We are calling it the gender agenda because, as was the case with the disability agenda that was launched a couple of weeks ago, everyone is keen to ensure that their particular strand fits into the work of the new commission. We are conscious that you cannot define yourself by your gender alone; everyone is younger or older, and has an ethnicity, an ability status, and so on. We are looking forward very much to trying to work, next year and beyond, to try to deliver some of the things that the existing commissions, public authorities and equality champions have not been able to deliver over the years. Therefore, thank you for having me at this committee for the past seven or eight years. I commend the report to you.

[126] **Jenny Randerson:** Thank you, Kate. I wish to make one comment, and ask you two questions. I rejoice all the time in the fact that the majority of Assembly Members are women, which reflects the proportion of women in the population as a whole. However, we still have one glass ceiling: we have not yet had a female party leader or First Minister, and I look forward to that changing in the future. That is not a power bid; that is a statement of what needs to come.

[127] On local government equal pay, you will recall that, when the Welsh Local Government Association came in, it was obvious that it had serious concerns about the funding of that. The fact that some local authorities will achieve the delivery of equal pay means that there will then be, quite rightly, claims for backpay. This is already a hugely difficult issue for local government in England. If local government does not feel that it will be financially assisted in this by the Government, it is bound to resist backpay claims and slow down the achievement of equal pay. It will see that the longer it can play it, the more it can put off the financial problems. Have you had discussions with the Assembly Government and the WLGA on this issue? It strikes me that that is completely out of kilter with the fact that the Government funded 'Agenda for Change', for example, in the NHS—not fully, but it has funded it. That is just not happening in local government, and that disparity worries me.

[128] Secondly, do you feel that public services generally in Wales are making progress with gender budgeting?

[129] **Mark Isherwood:** I will develop the points that I raised earlier. When the issue of funding for equal pay in local government was raised in the Chamber, we were told that local authorities would use their own reserves; those that could not now have agreement to use

capitalisation of the revenue spending accordingly. However, I have not been able to clarify from anyone yet whether it is like prudential borrowing, where the Treasury rules that a local authority has to meet certain criteria, notwithstanding its obligations, to be allowed to borrow that money? Therefore, are there still authorities that do not have the means to deliver because they do not have the reserves or the capitalisation, or is the capitalisation now in place for all the authorities that do not have the reserves to pay?

[130] In addition to the potential legal matters over backpay, there is the current case, as you know, regarding those who lose out—that is, whenever there is a job evaluation, some people are deemed to be being paid too highly for their grade. Therefore, most areas—certainly in England—are putting in not a freeze, but a sub-inflation rise at the top for those people, so that they are sitting above the top of the grade, and, progressively, those who are judged to be equal in terms of the work that they do will progressively move up. However, there is a challenge from those people who say, ‘In that case, we want to be equalised to those who are above the grade, rather than waiting until we catch up’. What is the state of play on that, and what will the implications be if the legal decision goes in favour of those making the challenge?

[131] **John Griffiths:** I want to ask Kate about the perception that Wales is an advice desert, as I think it is described—on page 16. Is that in comparison with other parts of the UK, and is that well documented and substantiated? I can see that you are indicating that it is, Kate. I do not know whether you are able to say just how big that gap is. That is extremely concerning, and we need to prioritise it.

3.40 p.m.

[132] The only other thing that I wished to say is that this is a really nice, top-class document. It looks good—the cover is great. It is very user-friendly; it is admirably brief, and it is set out in plain, easy-to-understand language, and it gets the key messages across. So, well done on the document.

[133] **Lorraine Barrett:** I also wanted to say that about document. It is very easy to read and to understand and absorb. I also thank Kate for her contribution this morning on Radio Wales. They were talking about discrimination against pregnant women. If that is still happening in this day and age, it makes you wonder. You said that it accounts for nearly half the calls to the helpline. Is that still the case? I had a visit from a woman in my constituency this week who told me that her son is now five years old, but that, when she became pregnant, she was working for an estate agent, who tried to sack her. They settled just before the court date. I was amazed that such a thing could still happen—as though a pregnant woman perhaps did not fit the image of a certain company. That is surprising and very disappointing.

[134] I found the position of some ethnic minority women to be very sad. The feeling there is that it is a double whammy of disadvantage. I attended a Bangladeshi event recently, and I had a meeting with quite a few Somali women. There were so many bright, intelligent, articulate women there; I told some of them that they had to go into politics. Why should they not? You just hope that there will come a time when it does not matter whether you are pregnant or what colour your skin is. If you have the ability to do something, you should be allowed to do it.

[135] My next point is nothing to do with this, but I wondered whether Kate wanted to say something about it. I wondered what her views were on the votes on the House of Lords last night. I have been quite keen on an 80:20 split of elected and appointed peers. I visited the Parliament of Canada a few years ago, which has a partial appointments system in the second chamber. You may think this a backward step, but the Canadian system allowed a percentage for geographical and gender spread and for appointing people with certain specialities and

from different backgrounds in order to bring in expertise on a variety of subjects. It crossed my mind when I was thinking about the restructuring of the House of Lords that, with the way things go when people are selected, we could still end up with a majority of men in the House of Lords. I wondered what you thought about it.

[136] In the Labour Party, we would not have had the number of women that we have if we had not gone for the twinning system, although I was against it at the beginning. We needed that mechanism then, but, now, I think that we are on a natural roll. I am pretty sure that, in the Labour Party, women are now being selected because they are the right candidate. It is not the way that it was years ago. I have thrown that in although it is nothing to do with the report. As it happened last night, I was wondering whether Kate had any thoughts on whether any new House of Lords, fully elected, would be full of white, elderly men.

[137] **John Griffiths:** You have gone from local authority finance to the House of Lords. That is not bad. [*Laughter.*]

[138] **Ms Bennett:** I shall take the questions in order to give me a bit of time to collect my sub-conscious thoughts to answer your question, Lorraine.

[139] First, Jenny, I think that you should go for it. I was very disappointed when I saw the campaign earlier in the week to ensure that people vote. Obviously, I wanted there to be a campaign to encourage people to vote in the Assembly elections, but five men in suits holding the banner does not convey an inclusive vision of Wales. If you want people from ethnic minorities, women and young people to vote, that is not helpful. So, you are quite right. Perhaps America will have a female or a black President before we get there. It is disappointing about the party leaders.

[140] In terms of equal pay, this is still a huge issue and there are funding challenges. Some authorities have chosen, and have been authorised, to borrow money, such as Neath Port Talbot County Borough Council, although I am not sure that the others want their names to be mentioned at the moment. We are seeing significant progress; it is interesting that we have seen a significant number of calls to our helpline around equal pay from women who left their authority more than six months ago. You must have been in employment within the last six months to seek redress for the backpay claims. This is another tragedy waiting to happen, because a large number of people who worked for local authorities over a long period but who left more than six months ago are, therefore, not entitled to anything.

[141] The funding is a big challenge, and there is much anxiety and speculation that it will mean cuts in jobs and services. We do not know whether or not that will be the case, and each local authority has its own plan as to whether or not it wants to borrow. We need to keep our eye on the fact that these women working for local authorities have been underpaid and undervalued for years. They were underpaid and undervalued prior to the 1970 equal pay legislation, and the current claims will go back only six years. So, some of these women have been working in local authorities for 10, 20 or even 30 years, so any recompense that they will receive will be relatively short-term. Local authorities may be confronted with a huge bill that is difficult to cope with at the moment, but it indicates the level of underpayment and bad treatment that there has been there for a very long time.

[142] I strongly believe that, if equal pay comes in and is associated, as it is in the health service, with some career development and training, this will have a big impact on improving the quality of public services. In Alison Parken's report, put together by colleagues from all of our organisations around social care, one of the difficulties that she has identified in improving the quality of social care is the massive turnover in the labour force, and the very poor pay and conditions and training that people receive. So, although it is very difficult and challenging, it must happen. We are hopeful that, if local government makes these

settlements, including backpay to women, which some authorities have lined up with the backpay as well as the forward look, the no-win, no-fee lawyers will not come into Wales, which Mark referred to. They are now going back to a second round of making comparisons, and your point in that respect is true, and, as far as we are aware, the likelihood is that those claims will be won.

[143] So, getting a speedy resolution to this matter is important, and we accept that there are no easy answers. We have been involved, on an ongoing basis, with the joint working party with the Minister and the Welsh Local Government Association. Sue Essex and Jane Hutt have been around to meet all authority chief executives and leaders to try to get some movement on this matter—we had our first major conference on equal pay in local government about four years ago. Although it feels as if this matter has been going on for a long time, there is a prospect that many local authorities in Wales will come into line this year. We could have a reasonably solid picture of fairness in comparison with England, where the position is very patchy—some authorities where the no-win, no-fee lawyers have been in have gone a long way to addressing the matter, but other authorities are sitting back and hoping for the best.

[144] In terms of gender budgeting, you may have seen that the Assembly's gender equality scheme, that we looked at earlier, talks about gender budgeting, and it seems connected with that. It is difficult to know where to get all my comments in, because I would have liked to talk about this matter under several items. Between all of our organisations, we have put together an equality manifesto for the elections, which I am sure that you have seen.

3.50 p.m.

[145] One of the headline points in that is an equality outcome for every pound spent, which I felt like saying during the young disabled people's discussion. There is a long way to go on gender budgeting, but at least we have some progress. It may be that we can use the gender equality scheme in the Assembly and in local government to try to increase the amount of resources focused on the needs of women and men. It is not only gender, however, as we have said; it is disabled people and so on.

[146] The advice desert is based on research commissioned by the three commissions about four years ago that was undertaken by Charlotte Williams, who was, at that time, at the University of Wales, Bangor. The research identified Wales as an advice desert in comparison with other places, as well as in its own right. One of the problems that we have is that there is only one law centre, and there is nothing much in the way of unemployed workers' centres. Solicitors with knowledge of equality and employment legislation are far and few between. So, yes, I think that our picture is worse, and it is in part a rural issue, because it is in big towns and cities that advice provision is better, as their citizens' advice bureaux are better equipped and more likely to have specialist workers. That is a huge issue for us.

[147] Unfortunately, Lorraine, our research still shows that half of all pregnant women suffer discrimination at work. There is a strong link in that, if you lose your job, as the young woman on the radio talked about, if you are demoted on return from maternity leave or if you lose your job while pregnant, it means that there is a bad dent in your career. That links to everything else, because you have to go back to a lower-paid job, so you then suffer unequal pay, you are doing a job below your potential, and you are unlikely to be promoted and get to the leadership positions. That pregnancy discrimination is a real, bad thing.

[148] In terms of the double whammy, you are absolutely right; some of the ethnic minority girls that we interviewed in schools were so powerful and determined that you want to encourage them, and you are fearful of the obstacles and opposition that they will face. I felt the same at lunchtime, Will, when your colleague, Sasha, who is only 18 years old, addressed

the meeting; she had immense power and presence for such a young woman in a wheelchair, and she talked about the difficulties of access that she suffered at school, and which she continues to suffer. So, there is a double whammy, a triple whammy and a quadruple whammy, and this is something for us all to get to grips with, whether we are in the commission or in the Assembly.

[149] I will not go into a lot of detail about the House of Lords. [*Laughter.*] However, you talked about international comparisons, and we have a lot to learn from around the world. Some Iraqi women came to visit you for last year's International Women's Day, and I had the great privilege to meet them. It was shocking to discover that the percentage of women in the Iraqi Parliament was larger than the percentage of women in the British Parliament. We can find ourselves thinking that we lead the way, and that we are a developed, western nation with equality sorted out, whereas many countries that we would think of as not being on the same level as ours are doing much better in this regard. They are doing it through the methods that you talk about: by having different sectors and selecting people to be in Parliament. I would be happy to go on any international fact-finding visits that you can line up, Lorraine; that would be brilliant.

[150] I think that that covers everybody's questions.

[151] **Gwenda Thomas:** Thank you for that report, Kate; it was apt to bring the work of the committee in this Assembly to a conclusion on that report. I will circulate what I see as the committee's achievements; I will not go through them now.

[152] I put back paper 1 on today's agenda on the annual report, as I did not want to keep the young people waiting. Do Members agree with the report? I see that you do. Also, there is paper 2, the committee's legacy report to the third Assembly. Do you agree that? I see that you do.

[153] I offer my thanks to the Committee Secretariat, past and present, and to other officials who have supported the work of this committee. The Members' research service has provided us with papers and also I give my very warm thanks to the standing invitees. Thank you for your support and for your advice to this committee. I thanked the Minister before she left, but I would also like to thank other Ministers who have been willing to come to committee to be scrutinised; that has been an important part of this committee's work. I would also like to thank everyone, individuals and organisations, who have supported the work of this committee, and, of course, we must not forget Members. I thank the members of the committee, past and present, for your support for me and the work of the committee.

[154] My last thoughts are that promoting equality of opportunity will remain a statutory obligation in the next Assembly. That has been a big achievement in driving equality of opportunity forward. Also, there will be a successor Committee on Equality of Opportunity.

[155] Diolchaf i chi'n gynnes am bopeth. Thank you all for everything.

[156] **Lorraine Barrett:** On behalf of everyone remaining here, and on behalf of other Members, I thank you for your chairpersonship over the last however many years; I cannot remember how long it has been. I thank you for the way in which you have chaired, which was very fair and with a great deal of dignity and respect. You have guided us through some interesting and some turbulent times, given some of the discussions that we have had.

[157] **John Griffiths:** I agree with everything that Lorraine said, but I also want to thank you for your very strong commitment to equality of opportunity, and for the way in which you have fought hard in committee and behind the scenes to ensure that equality of opportunity stays right at the top of the agenda in Wales.

[158] **Mark Isherwood:** In the interests of cross-party consensus, because I think that I am the only Member present who is not of your party, I endorse those comments, and add my thanks to you for your impartiality and for the hard work that you have put in, particularly on the Government of Wales Act 2006.

[159] **Mr Myant:** I do not think that the Commission for Racial Equality in Wales could have done its work without the kind of context that this committee and you, as Chair, have provided it with over the time that I have been involved. The best argument for us to score the point that we want with the future commission for equality and human rights is to enable its leadership to come to witness this committee in action in the next Assembly. We thank you personally for the fact that we will have that opportunity in the next Assembly.

[160] **Gwenda Thomas:** Thank you all very much. Diolch yn fawr.

*Daeth y cyfarfod i ben am 3.58 p.m.
The meeting ended at 3.58 p.m.*