

# Equal Opportunities Committee

**EOC(2)-08-06(p.7)**

**Date:Wednesday 25 October 2006**

**Venue:Committee Room 3, Senedd**

**Title:Update on the Commission for Equality and Human Rights**

## **Purpose**

1. This paper provides the Equality of Opportunity Committee with an update on the formation of the Commission for Equality and Human Rights (CEHR).

## **Recommendations**

2. The Committee is requested to note the content of this paper.

## **Background**

3. In October 2003, the UK Government announced its intention to create a single Commission for Equality and Human Rights (CEHR) to deliver a step change in how we promote, enforce and deliver equality and human rights, and help our society to meet the challenges of the future. The White Paper 'Fairness for All: A New Commission for Equality and Human Rights' published on 12<sup>th</sup> May 2004 set out proposals to meet this task. The Welsh Assembly Government fed into the consultation process and ensured that issues affecting Wales were considered.

4. The Equalities Act 2006 received Royal Assent on 16 February 2006 and sets out plans to establish a new body with wide-ranging powers to tackle discrimination and prejudice, and promote equality and human rights. Individuals suffering discrimination would have easier access to support, and employers would get improved advice and information in the one-stop shop to be offered by the CEHR from October 2007.

5. The CEHR will take on the work of the existing Equality Commissions (the Equal Opportunities Commission (EOC), the Commission for Racial Equality (CRE), and the Disability Rights Commission (DRC)) and will additionally assume responsibility for promoting equality and combating unlawful discrimination in three new strands, namely sexual orientation, religion or belief, and age. The CEHR will also have responsibility for the promotion of human rights. Its human rights brief will cover England and Wales only.

6. Previously, the functions of the CRE, were expected to transfer separately in March 2009. It has

recently been announced that the CRE will transfer to the new Commission in October 2007 at the same time as the DRC and EOC.

7. Following a UK Government Cabinet re-shuffle on 5 May 2006, responsibility for the CEHR transferred to the Department for Communities and Local Government (DCLG). Ruth Kelly is the Secretary of State for Communities and Local Government and Meg Munn MP is the Parliamentary-Under Secretary of State with responsibilities for Women and Equalities.

8. In Wales, the Welsh Assembly Government has ensured that Welsh interests were put forward for the Equality Bill and are continuing to work closely with the Transition team to ensure CEHR is able to operate effectively in Wales.

9. The Transition Team has appointed a Programme Manager for Wales who is responsible for liaising with key stakeholders in Wales to ensure that Welsh interests are represented in the work of the Transition Team.

## **The Commission**

10. The CEHR will comprise of a Chair and up to 14 Commissioners including a Commissioner for Wales and Scotland. Following a recruitment exercise, the appointment of Trevor Phillips from the Commission for Racial Equality as the CEHR Chair was announced on 7 September 2006. I met with him on 13 October 2006 to discuss equality issues in Wales.

## **The Wales Commissioner**

11. I have ensured full involvement of the Welsh Assembly Government in the recruitment process for the Wales Commissioner. Welsh Assembly Government officials fed in suggestions/amendments to the job specification for the post of Wales Commissioner which were incorporated. We were also successful in securing a presence from the Welsh Assembly Government on the interview panel and interviews took place on 19 September 2006.

12. The consent of the National Assembly for Wales is required under Schedule 1, Paragraph 2 (3) (c) of the Equality Act 2006 to the appointment of the selected candidate. On 11 July 2006, a Delegation to the Assembly First Minister of the said functions was made in Plenary.

## **Wales Committee**

13. The Equality Act 2006 establishes that the Wales Committee will:

- be a decision making committee;
- be chaired by the Wales Commissioner;
- advise the Commission about the exercise of its functions in so far as they affect Wales;
- give advice to devolved government about enactments which, in the opinion of the Commission, affect only Wales;
- give advice to devolved government about proposed changes in the law which affects only

Wales.

14. It was not the UK government's intention that the Equality Act 2006 should detail every aspect of the functioning of the CEHR in Wales. This will be an internal matter for the GB Board as the new Commission develops. It is in the power of the GB Board to delegate functions and establish procedural and corporate governance practices applying in Wales in a manner that reflects elected-devolution and is consistent with the will of the UK Government as approved by parliament.

15. I have previously highlighted the need for the Assembly to be involved in the appointment of the Committee, the need for due regard to be paid to the bilingual element and the need to establish grant making powers.

### **Advice and Information**

16. A key work stream of the Transition Team has been the CEHR's provision of advice and information and the options for the way in which this core function can be delivered under the new Commission. In order for the Transition Team to identify the developments in relation to advice and information provision in Wales since the 'Snakes and Ladder' report, Dr Charlotte Williams (the author of the original report) has been commissioned to review the current body of information available and prepare a report.

### **Regional Arrangements**

17. A paper is currently being drafted to identify a number of options in relation to the regional arrangements for Wales. The recent stakeholder events across Wales highlighted the view that a physical presence in North Wales was important. For the Commission to be credible to the people its targeting must have genuine regional presence which may require different communication mechanisms and arrangements. The DRC and the CRE currently have a presence in North Wales. Work continues into ways in which the Commission will work with groups like the existing Race Equality Councils, and other local organisations delivering on the ground, which the new Commission will be empowered to fund.

18. I have suggested to the CEHR that they may wish to co-locate at the new WAG building at Llandudno Junction. The CEHR Transition Team has met with Location Strategy Team to discuss.

### **Stakeholder Events**

19. The Transition Team have held a series of stakeholder/consultation events throughout Wales to discuss in detail the CEHR in a Welsh context. Attendees at these events included members of the Equality and Human Rights Coalition and the Wales Equality Reference Group (WERG) and key stakeholders from across Wales. The events were well attended with a number of emerging themes.

### **The Welsh Language**

20. It is recognised that CEHR needs to embrace the wider equality context as defined within

Section 120 of the Government of Wales Act 1998. The Welsh Language Act requires public bodies to implement a Welsh Language Scheme which must be approved by the Welsh Language Board. The CEHR GB will need to comply with such a scheme.

## **Multi Strand Modelling Project**

21. A secondee has recently started to take forward a jointly funded Welsh Assembly Government/ Department for Local Government and Communities multi strand modelling project. The project will develop an evidence- based ‘multi strand working model’ or policy tool to inform the work of the CEHR, the Wales Committee and the practice of mainstreaming equality, multi strand within the Welsh Assembly Government Departmental action plans. This project will inform the work of the CEHR not only in Wales but also at a GB level.

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