



**Cynulliad Cenedlaethol Cymru  
The National Assembly for Wales**

**Y Pwyllgor Cyfle Cyfartal  
The Committee on Equality of Opportunity**

**Dydd Mawrth, 30 Mehefin 2009  
Tuesday, 30 June 2009**

**Cynnwys**  
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Inquiry into Older People and Employment Discrimination

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'r pwyllgor yn bresennol**  
**Committee members in attendance**

Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Ann Jones	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Jonathan Morgan	Ceidwadwyr Cymreig Welsh Conservatives
Janet Ryder	Plaid Cymru The Party of Wales
Joyce Watson	Llafur Labour

**Eraill yn bresennol**  
**Others in attendance**

Cherry Capel	Rheolwr Busnes Ariannol a Chorfforaethol, Llywodraeth Cynulliad Cymru Financial and Corporate Business Manager, Welsh Assembly Government
Dr Brian Gibbons	Aelod Cynulliad, Llafur (Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol) Assembly Member, Labour (Minister for Social Justice and Local Government)
Ieuan Wyn Jones	Aelod Cynulliad, Plaid Cymru (Y Dirprwy Brif Weinidog a'r Gweinidog dros yr Economi a Thrafnidiaeth) Assembly Member, The Party of Wales (Deputy First Minister and Minister for the Economy and Transport)
Sioned Rees	Pennaeth Menter, Llywodraeth Cynulliad Cymru Head of Enterprise, Welsh Assembly Government

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Rita Phillips	Dirprwy Glerc Deputy Clerk
Helen Roberts	Cynghorydd Cyfreithiol Legal Adviser
Denise Rogers	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Bethan Webber	Clerc Clerk

*Dechreuodd y cyfarfod am 9.19 a.m.*  
*The meeting started at 9.19 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introduction, Apologies and Substitutions**

[1] **Ann Jones:** Good morning everyone. I welcome you to the Equality of Opportunity Committee. I remind Members to switch off their mobile phones, BlackBerrys and pagers.

We are not expecting a fire drill this morning, but should the alarm sound, we will take our directions from the ushers, who will take us to a safe assembly point at the bay entrance at the far end of the building.

[2] Are there any declarations of interest under Standing Order No. 31.6? I see that there are none. I have received no apologies or substitutions, but Janet Ryder will be joining us a bit later. Before we move to our evidence session with the Deputy First Minister, I thank Members for attending last Wednesday's lunchtime meeting, at which we agreed the report on the inquiry into home maintenance and adaptations services for older people in Wales and the recommendations that we will send on the Equality Bill. Both of those reports are now being translated, and we are hoping to launch the home adaptations report, or rather the home maintenance and adaptations services report—I will get it right before we launch it—on 16 July here in the Senedd. That is a date for your diaries.

9.20 a.m.

### **Ymchwiliad i'r Gwahaniaethu yn erbyn Pobl Hŷn ym myd Cyflogaeth Inquiry into Older People and Employment Discrimination**

[3] **Ann Jones:** For the first session we have with us the Deputy First Minister and Minister for the Economy and Transport; with the Minister is Sioned Rees. You are both very welcome. Deputy First Minister, you have provided a paper jointly with the Minister for Social Justice and Local Government, Brian Gibbons. Is there any point that you want to raise before we move to questions?

[4] **The Deputy First Minister and Minister for the Economy and Transport (Ieuan Wyn Jones):** No.

[5] **Ann Jones:** I will start with the first question. The aims of the first and second phases of the strategy for older people fall within the remit of a number of Welsh Ministers, across a number of portfolios. How have you and other Ministers, in particular the Deputy Minister for Skills, worked together to meet the employment-related aims of the strategies?

[6] **The Deputy First Minister:** There are a number of ways in which we work together. A considerable amount of work is undertaken together between officials. We made it quite clear at the beginning of the new Government's term that there had to be a close working relationship between my department and the Department for Children, Education, Lifelong Learning and Skills in particular. We set up a very strong working relationship, and my department has been working with John Griffiths and Jane Hutt on 'Skills that Work for Wales', which is a challenging document. We are also all members of the Regeneration, Skills and Tackling Economic Inactivity Cabinet Committee, where much of the joint working is brought together. On the ground, our assistance is directed towards helping people who have difficulty in finding employment. Our particular skills lie in assisting those people who may have been made unemployed but who want to start up in business themselves. If you want us to go into detail about how that works, Sioned will do so.

[7] One point that I would like to make at the beginning is that one of the overriding aims of the Government is to secure an 80 per cent employment rate. Prior to the recession we were making good progress on that. Since the recession, although unemployment has stabilised, as indicated in the statistics from the last labour market survey, the rate of inactivity has now started to increase, which is a worrying trend. That suggests that people, particularly young people and people over 50, are finding it difficult to secure employment. The majority would be young people, but there are people over 50 who are finding it difficult to secure alternative employment. Therefore, as a department, we would be working with them to see whether there are self-employment opportunities available to them, and how we

could then give advice in relation to that and on equality issues.

[8] **Jonathan Morgan:** The 10-year strategy for older people in Wales started in 2003, so we are some six years into that strategy. The first phase of the strategy, which was to run between 2003 and 2008, included a number of aims and objectives with regard to the promotion and the development of the capacity of older people to continue in work and to continue learning. It also contained an objective to help more older people to set up their own businesses. I accept that the bulk of the first phase of the strategy predated the ‘One Wales’ agreement; however, with regard to the needs of people over the age of 50—you have made reference to that already—how does your department support the needs of the over-50s in setting up their own businesses? Are there particular challenges that the over-50s face with regard to that that are different to those facing younger people?

[9] **The Deputy First Minister:** There are challenges. I will ask Sioned to give us the detail of how the advice is given. We are finding from our evidence, as it were, that if someone is in a position in which they are likely to lose their job, and they are in that sort of age range, that is, over 50, then the earlier you can give them advice, the better—if possible during the consultation procedure when there is an announcement by a company that they are likely to lose their jobs. It is better to provide good advice very early on. If they can get good advice earlier on, then the opportunities for them to go, for example, into self-employment are pretty good. The number of those going into self-employment is still fairly good, although the numbers of those becoming economically inactive are rising. I would like to ask Sioned to give the precise detail of the work that we do for the over 50s.

[10] **Ms Rees:** We offer a package of start-up support, such as taster sessions, workshops and one-to-one mentoring and coaching. For underrepresented groups, which include those aged over 50, we also have an inclusion challenge fund as part of the support package under our start-up services. The inclusion challenge fund supports individuals who face barriers in accessing that support. Those who provide the start-up service in Wales can access that inclusion challenge fund to look at the barriers that our underrepresented groups face and provide a package of support. So, it is tailored to that individual’s needs. For example, if they are a lone parent, it can include childcare during the workshops.

[11] With regard to the challenges relating to those aged over 50, the Global Entrepreneurship Monitor survey shows that the percentage of people in that age group who say that they have the skills to start a business is higher than the average and is higher than in the other age groups. However, when you ask them about opportunities to enter self-employment, they say that there are far fewer than are available to those in the other age groups, particularly compared with the 25 to 50 age groups. So, with regard to looking at those opportunities and moving into self-employment, although they have the skills to do it, there is an issue. When we ask the over 50s whether they know an entrepreneur, the percentages of those who say that they do are much lower. The promotion that we have done with enterprise seems to have worked very well with young people. The percentage of young people who know an entrepreneur and think that it is a good career choice is very high, but among the over 50s, it is much lower. So, there are issues about the networks that we need to work with to promote self-employment to the over 50s. In our work with youth, it is easier because we have the network through schools and the education system to do that. However, the way in which we do that among the over 50s is a challenge.

[12] **The Deputy First Minister:** I have a couple of points to add to that. We work closely with Prime Cymru, which was mentioned in the Chamber last week, which is an organisation that is specifically trying to help people aged over 50. Although there are significant barriers to the over 50s getting into self-employment, we are trying to assist them to do that. The evidence is that, if they go into self-employment, the chances of the business succeeding are substantially higher among that age group. That is a good benchmark.

[13] **Jonathan Morgan:** I am keen to try to establish the transition from theory to practice. The objective of the first phase is clear: to help more older people to set up their own businesses. Can the department indicate—in a written note, if necessary—the number of older people who have been helped to achieve that? In an ideal world, I am sure that you and your officials would like to say that, as a result of your intervention, these people were able to start their own businesses, but I am sure that a variety of factors contribute to whether a person can set up their own business. It would be useful to see the output to judge whether or not that objective is being reached. Do you think that that would be possible?

[14] **The Deputy First Minister:** Yes. We could do two things. We could give you a generic reply like that, but we may look at a case study where, for example, a company has made a number of people unemployed as a result of the recession, or whatever, and we can then track the number of people who went into self-employment and whether they were aged over 50. We could do that.

[15] I would like to say two other things about the support that is available. There is specialist, specific support available, but we now have a single investment fund that is limited to a grant of £10,000, which it is good to announce. There is also a local investment fund, which is local-authority led, which offers grants up to £5,000.

9.30 a.m.

[16] Those are the kinds of grants that people who want to start a business might want to access. The purpose of offering grants with a £10,000 and £5,000 limit is that it is much easier to fill in the application form to secure those grants than if you were going for a regional selective assistance grant of £1 million, say. It is tailored to try to meet the needs of that sort of market.

[17] **Jonathan Morgan:** Looking at what happened in the first phase of the strategy from 2003 to 2008, has that first phase been evaluated with regard to the impact of your department? If it has been evaluated, was that evaluation done independently or in-house, by officials? If there has been an evaluation, has the work to support older people now changed as a result?

[18] **The Deputy First Minister:** I am not aware of any evaluation that has been done; I do not know whether you are, Sioned. My view is that it would probably be led by the department with the primary responsibility, to which we would make a contribution. I can certainly check on that and come back to you on it. I do not know whether you want to add anything, Sioned.

[19] **Ms Rees:** There has not been a specific evaluation of the strategy with regard to self-employment, but we monitor and evaluate our services across the board and that monitoring does look at uptake by different age groups, so those are the kinds of figures that we could provide you with.

[20] **The Deputy First Minister:** We can provide you with those.

[21] **Ms Rees:** We have just done a major survey of that as well, so we will have that monitoring data.

[22] **Joyce Watson:** Good morning, Deputy First Minister, and thank you for your paper. What attempts have been made to encourage the transfer of knowledge and experience from older or retired businesswomen or men to new entrepreneurs and how effective has that transfer of knowledge been?

[23] **The Deputy First Minister:** Are you talking about mentoring schemes?

[24] **Joyce Watson:** I am talking about the transfer of knowledge—as we have all said, it is a difficult time and it is a difficult market—however that transfer is taking place.

[25] **The Deputy First Minister:** Using people who are already in business to assist people who are setting up in business is a good idea. Do we have any specific schemes related to that, Sioned?

[26] **Ms Rees:** One of our key schemes with regard to enterprise and education is the Dynamo role model programme. That involves entrepreneurs, whom we use to promote entrepreneurship to younger people. With regard to the role models that we have, a number of them are aged over 50 and a number are aged over 70. We use them by getting them to go into schools and higher and further education institutions to promote enterprise to young people. We also use them for the Global Enterprise Challenge. So, there is that kind of transfer of knowledge with regard to entrepreneurs.

[27] On mentoring and coaching, we have a mentoring scheme as part of our support under Flexible Support for Business. We are also looking to discuss peer-to-peer mentoring with Prime Cymru and the Prince of Wales's other charities to see how we can be a bit more effective around that, moving forward.

[28] **Joyce Watson:** Thank you for that, because I asked a question last week about Prime Cymru's launch of its very successful mentoring scheme. I am pleased to hear you saying that you are going to tap into that. I think that peer-to-peer mentoring is probably the best way forward for any scheme. It works well. Thank you for that answer.

[29] Moving on, we have talked this morning about the strategy for older people. In the second phase, it says that it will support the recruitment and retention of older workers and increase economic activity by improving access to jobs for those aged over 50. What has the Welsh Assembly Government done to support the recruitment and retention of older people in employment in Wales?

[30] **The Deputy First Minister:** There is a general view that if you lose your job at that sort of age, it is much more difficult to get back into the workforce. While we are not primarily responsible for the employment practices of companies, we try to make sure that we protect the skills that they have as much as we can and that is why we have the ReAct scheme to help people. I do not think that it is available anywhere else in the UK. If somebody becomes unemployed, there is immediate help under the ReAct scheme if they can find alternative employment.

[31] If you look at the flow of the labour market survey, you will see that there is still significant churn in Wales. The latest figures show that unemployment did not go up, but that is not because people had not become unemployed; it was because they were finding alternative employment. The success of a scheme such as ReAct, although I am not claiming that it is wholly responsible for that, is that it will help people to get immediately back into work. The great danger is that if people are out of work for six months, they might struggle to find new employment. So the ReAct scheme is of particular help. The other scheme, which you are all aware of now, is ProAct, which tries to prevent people from becoming unemployed. They are two significant schemes.

[32] What we have not done is to evaluate the age of those people that we have assisted through ReAct and ProAct. We could perhaps give you that information, if it is available.

[33] **Joyce Watson:** I hope that we do evaluate the schemes for all ages, because we need to know. ProAct is a wonderful scheme—it was mentioned at yesterday’s British-Irish Inter-Parliamentary Association meeting as the scheme of the day. It would be a missed opportunity if we did not evaluate who is gaining from that scheme.

[34] **The Deputy First Minister:** We will do that, subject to any issues to do with confidentiality—there are some such issues, but I do not think that they will affect getting the numbers. We already know that around 4,000 people who otherwise may well have been made unemployed have been helped by ProAct. The figure for those helped under ReAct is around 5,000. So, the numbers are quite substantial. If we can, we will drill down to find out the age range, as that may be helpful to us as well as to the committee.

[35] **Joyce Watson:** According to Prime Cymru:

[36] ‘The Welsh Assembly Government has led the way with the development of the Older People’s Strategy, the National Partnership Forum and the appointment of the Older People’s Commissioner. However, whilst the Strategy for Older People in Wales has correctly identified the employment needs to “develop policies to increase the capacity of the over 50s to continue to work, learn, volunteer and care, making an active contribution for as long as they wish, and ensure that older people do not live in poverty” resources and policies have not followed to enable the aim to be reached.’

[37] What resources have been allocated to support the policy aim of increasing the capacity of those aged over 50 to continue to work?

[38] **The Deputy First Minister:** Sioned, do you want to take that on and say what the department is doing?

[39] We may not be able to give you the figures with regard to the amount allocated to the department, but I know that we have a number of advisers that we can call on if people need specialist advice in this area.

[40] **Ms Rees:** With regard to support under Flexible Support for Business and advisory support for business, we have a call-down list of advisers to look at equality and diversity policies, which would include looking at employment practices for those aged over 50. I do not know whether we would be able to break that down to specific resources for those aged over 50.

[41] In relation to the start-up services that I mentioned earlier with regard to self-employment, we provide funding under the inclusion challenge fund. We can give you the figures for how many individuals aged over 50 have accessed that support. We will be looking to work with Prime Cymru in the future on other areas, especially on promoting self-employment and enterprise among those aged over 50, and perhaps taking the kind of tools that we use with younger people, just with a different approach. We are currently exploring that.

[42] **The Deputy First Minister:** Also—sorry, I have this habit of wanting to press the button on the microphone, even though I need not.

9.40 a.m.

[43] We have specific schemes in the Heads of the Valleys, for example, where we work with local communities to tackle economic inactivity to improve the working-age employment rate, particularly among disadvantaged groups, including older workers. We hope that that will be rolled out into the other strategic regeneration areas across Wales. We



will be looking at the success of those schemes to see whether they could be rolled out to other areas. The rise in unemployment has been worst in the Heads of the Valleys—that is the area where unemployment has increased most, particularly among young people, but also, I am sure, among the older generation. So, if there are successes there, there may be some potential to roll them out because they have been specifically targeted there through our regeneration strategy.

[44] **Janet Ryder:** I have some questions about the single equality scheme, although I appreciate that you may need to repeat some of the answers that you have already given, or tie them in your answer. I am sure that you are aware that the single equality scheme runs until 31 March 2012. It brings together a number of different strands, such as gender, race, disability, religion, belief, non-belief, age and sexual orientation. However, there are specific sections within that scheme that relate to your department and task you to do things. It includes an equality priority for the Department for Economy and Transport to deliver a truly accessible business support service across Wales that takes account of people's needs arising from each of the equality strands. Have you established what the barriers are for older people who could benefit from business support services that might fall under any of these strands, and what are they?

[45] **The Deputy First Minister:** I can tell you what we are doing under that strand. Although equality and diversity issues are mainstreamed across Government policy, equality and diversity advice is available for existing business, as Sioned has indicated, under Flexible Support for Business. The delivery of services by the department is regionally based—although Sioned is the head of enterprise, she is based in the St Asaph office. The delivery is very strong in the department, which I very much support, and it is done at a regional centre. So, at St Asaph, Penllergaer and the other regional offices that we have, we have a list of advisers who would be able to give advice to people on the whole range of issues that you have indicated, such as equal opportunities policy, recruitment procedure, redundancy procedure, how to write job advertisements, and so on. However, you are right to say that there are significant barriers for people to go back into employment or to start up in business. The generic advice that we give under Flexible Support for Business and the specific advice that we give on equality and diversity issues are aimed to try to break down those barriers. However, we must accept that at a time when economic inactivity is back on the rise in Wales, there are significant challenges in relation to the whole, rather than just young people and older people, which is creating the current problems for us.

[46] **Janet Ryder:** So, set against what you have said, you work with employers as well as people seeking employment. What is your assessment of any success that you have gained? How well do you think that you will be marked on achieving that strand with employers?

[47] **The Deputy First Minister:** On working with employers, it is primarily about protecting jobs—in other words, ensuring that we maintain jobs at the workplace and maintain skills. If we can drill down into the figures on schemes such as ProAct and ReAct—I am not saying that we will be able to—we can assess how many of those are within that age range, which would show that we are successful in that regard. On self-employment, we may well be able to provide you with some figures on that, because information on the numbers of older people going into self-employment would be readily available to us, provided that they came to us for support in the first place.

[48] **Ms Rees:** With regard to the statistics on self-employment, we do a demographic analysis. We capture information with regard to the age groups, and we also check that information against the local demographics. We can look at it on an all-Wales level, but we also need to look at it on a local level. So, we collect the information and check it against the demographics of that local area to see whether we are reaching the kinds of individuals who want to access the support. I think that the issue is about how we reach the over 50s, and

which networks we use to expand our reach. That is the issue that we need to look at to promote self-employment and enterprise, and support individuals who want to take that option in the future. So, I think that there is more work to be done with regard to how we reach that population.

[49] **The Deputy First Minister:** It is also true that there is a range of ways in which you can access information nowadays. It is quite likely that those aged over 50 want to access information in the traditional ways, rather than in the new media ways. That is quite true, I imagine.

[50] **Janet Ryder:** You would not want to be pigeonholing people, now, would you? *[Laughter.]*

[51] **The Deputy First Minister:** No, but how many of us around this table use Twitter?

[52] **Ms Rees:** Actually, I think that the over 50s age group uses it more than any other.

[53] **The Deputy First Minister:** Is that so? There we are, then. *[Laughter.]*

[54] **Ann Jones:** We will leave that now and move on.

[55] **Janet Ryder:** Maybe it just applies to people who have extra time. When you analysed these figures and drilled down into the demography of the groups, did you find any other barriers, relating to ethnic or disability groups, for example? Was there anything else that showed that there may be groups within the demographic age group who are facing even further significant barriers? If you have identified them, have you been able to identify a means of supporting them?

[56] **Ms Rees:** We are just at the initial stage, but we have spotted some early things that have come up. A key issue, which has not really affected this age group but it has affected others, is the need for us to put events on in the evening and at weekends, particularly for younger people. That has come out very strongly, so we are piloting that now.

[57] With regard to drilling down to other issues and barriers, three issues might be involved, but we have not drilled down to that detail as yet; we have just drilled down to the initial information that we have received.

[58] **Janet Ryder:** So, there is nothing to show whether perhaps people who are over 50 years of age and from a black minority ethnic background may be facing greater challenges.

[59] **Ms Rees:** To get that kind of information, we would need to do some more qualitative assessment. We would not be able to pick it all up from the information that we have from the monitoring data to date, as against the demographic. So, we would need to look at it on a more qualitative basis and follow that up with some qualitative focus groups. I do not think that we will get to the detail of it without really doing that from an individual perspective.

[60] **Ann Jones:** The last set of questions comes from Eleanor.

[61] **Eleanor Burnham:** Yr wyf yn edrych ar y ffigurau o ran effaith y dirwasgiad ar bobl dros 50 oed. Mae'n amlwg bod y dirwasgiad yn cael mwy o effaith ar bobl dros 50 oed a bod diffyg llwyddiant iddynt gael gwaith arall yn eithaf **Eleanor Burnham:** I am looking at the figures on the impact of the recession on the over 50s. It is clear that the recession is having a greater impact on the over 50s and that they are finding it more difficult to access alternative employment relatively

cyflym o'u cymharu â grwpiau oedran eraill. Ffigurau'r lwfans ceisio gwaith yw'r rhain. Sut y mae'r Llywodraeth yn ymdrin â hyn i wella'r sefyllfa?

[62] **Y Dirprwy Brif Weinidog:** Mae'n sialens, a dyna'r gwir amdani. Fel yr awgrymais yn gynharach, er bod lefelau diweithdra wedi aros yr un fath yng Nghymru yn ôl yr ystadegau diweddar, mae nifer y bobl sy'n economaidd anweithgar wedi codi, ac maent yn bobl dros 50 oed a hefyd rhwng 18 a 24 oed. Hyd y deallaf o'r ffigurau o'r bobl sy'n ddi-waith ym Mlaenau'r Cymoedd, pobl ifanc yw'r categori mwyaf.

[63] Y broblem fawr pan fydd pobl dros 50 oed yn mynd yn ddi-waith yw ei fod yn anos iddynt ddychwelyd i'r gweithle. Dyna pam, o dan y cynlluniau y mae Sioned wedi'u crybwyll, yr ydym yn ceisio eu helpu i wneud hynny drwy eu hysbysu am gynlluniau megis ReAct, ond hefyd, os ydynt am sefydlu busnes, drwy roi gwybod iddynt am y cymorth y gallwn ei roi.

9.50 a.m.

[64] Rhaid cyfaddef bod y dirwasgiad yn rhoi sialens ychwanegol inni. Bwriad gwreiddiol y Llywodraeth, fel y gwyddoch, oedd cyrraedd cyfradd gyflogaeth o 80 y cant. Yr oedd y ffigurau'n dangos bod y ganran yn mynd i fyny ond mae'r dirwasgiad wedi'i thynnu yn ôl ychydig, felly mae'r sialens gymaint â hynny'n fwy. Sioned, a ydych am ddweud rhywbeth mwy penodol?

[65] **Ms Rees:** Mae'r Adran Gwaith a Phensiynau wedi bod yn edrych ar gynlluniau i gynorthwyo pobl sydd wedi bod yn ddi-waith am fwy na chwe mis i fynd yn ôl i'r gweithle ac i ddechrau busnesau. Felly, yr ydym yn gweithio gyda'r adran, a chaiff arian ychwanegol ei drosglwyddo inni i helpu'r sawl sydd wedi bod yn ddi-waith am fwy na chwe mis i ystyried yr opsiynau o ran dechrau busnes. Mae gennym £2 miliwn ychwanegol dros y ddwy flynedd nesaf i weithio gyda'r bobl hynny, sy'n golygu y gallwn roi mwy o gefnogaeth a mentora iddynt cyn iddynt ddechrau busnes ac wedi hynny. Byddwn yn edrych ar yr ystadegau i weld a oes mwy o bobl dros 50 oed yn dod i

quickly than other age groups. These are jobseekers' allowance figures. How is the Government addressing this to improve the situation?

**The Deputy First Minister:** It is a challenge, and that is the truth of the matter. As I suggested earlier, although unemployment levels have remained static in Wales according to the most recent statistics, the numbers of economically inactive people have risen, and they are the over 50s and those aged between 18 and 24. As I understand the figures on the currently unemployed in the Heads of the Valleys, the largest category is young people.

The big problem with the over 50s becoming unemployed is that it is more difficult for them to re-enter the workplace. That is why, under the schemes that Sioned mentioned, we are trying to assist them to do that by informing them of schemes such as ReAct, but also telling them what assistance we can provide if they want to set up a business.

We must concede that the recession poses an additional challenge to us. The Government's original intention, as you know, was to reach an employment rate of 80 per cent. The figures show that the percentage is going up but the recession has brought it back down slightly, so the challenge is that much greater. Sioned, do you want to say anything more specific about that?

**Ms Rees:** The Department for Work and Pensions has been looking at schemes to support people who have been unemployed for more than six months to get back into the workplace and to start businesses. So, we are working with the DWP, and additional funding will be transferred to us to help those who have been unemployed for more than six months to consider their options as regards starting a business. We have an additional £2 million over the next two years to work with those people, which means that we can give them more mentoring and support before they start their business, as well as afterwards. We will look at those statistics to see whether there are more over 50s coming to access that

gael y gefnogaeth honno.

[66] **Y Dirprwy Brif Weinidog:** Un peth y dylwn fod wedi'i ddweud—ac yr wyf yn falch bod Sioned wedi codi'r pwynt am yr Adran Gwaith a Phensiynau—yw mai'r realiti yw na allwn ateb y broblem, yn sicr o safbwynt cyflogaeth, heb gydweithio agos iawn rhwng yr adran hon, yr Adran Plant, Addysg, Dysgu Gydol Oes a Sgiliau a'r Adran Gwaith a Phensiynau, gan y bydd y rhan fwyaf o'r adnoddau sydd ar gael i gynlluniau yn dod oddi wrthynt hwy yn hytrach nag oddi wrthym ni. Oni bai bod cydweithio agos, ni fyddwn yn cael y gorau o'r system. Felly, mae angen cydweithio agos os ydym i gyrraedd ein nod.

[67] **Eleanor Burnham:** Yr wyf yn cydfynd â hynny'n llwyr. Yr oeddwn mewn cyfarfod yn sir y Fflint ddydd Gwener, ac un gŵyn a godwyd oedd y ffaith bod gweithredoedd Cyllid y Wlad yn cael effaith wael a bod agwedd ei swyddogion yn wael. Yr oedd cyfrifydd yno sy'n gweithio dros sawl cwmni, ac yr oedd yn cwyno bod Cyllid y Wlad yn rhoi llawer o bwysau ar rai cwmnïau i gael gwared ar eu gweithwyr. Bydd y bobl hynny'n mynd ar y clwt, ac mae cost i hynny. Pa ddylanwad sydd gennych i sicrhau bod agwedd pobl—a Cyllid y Wlad yn enwedig yn yr achos hwn—yn gwella ac yn dod yn fwy positif i helpu cwmnïau i gadw pobl, yn enwedig pobl sydd dros 50 oed?

[68] **Y Dirprwy Brif Weinidog:** Buom yn trafod gyda Cyllid y Wlad a oes cyfleoedd i ohirio taliadau treth am gyfnod. Ar y cyfan, bu hynny'n eithaf llwyddiannus. Fodd bynnag, os oes gennych enghreifftiau penodol ac yr ydych yn teimlo y gallem gynorthwyo o gwbl, yn naturiol, byddem yn hapus iawn i'w hystyried.

[69] **Eleanor Burnham:** O ran Mesur Cydraddoldeb Llywodraeth y Deyrnas Unedig, beth yw eich barn am y ffaith ei bod wedi colli'r cyfle i gael gwared ar yr oedran ymddeol gorffodol?

[70] **Y Dirprwy Brif Weinidog:** Credaf mai Brian Gibbons sy'n cymryd y cyfrifoldeb pennaf am y maes hwn. Rhaid imi fod onest a dweud ni wn pa sylwadau y mae wedi'u

support.

**The Deputy First Minister:** One thing that I should have said—and I am pleased that Sioned raised the point about the DWP—is that, in reality, we cannot respond to the problem, certainly in employment terms, unless there is very close collaboration between this department, the Department for Children, Education, Lifelong Learning and Skills and the DWP, because most of the resources available for the schemes will come from them rather than from us. Unless there is close collaboration, we will not get the best out of the system. So, there has to be close collaboration if we are to achieve our objective.

**Eleanor Burnham:** I totally agree with that. I was in a meeting in Flintshire on Friday, and one complaint that was raised there was about the actions of the Inland Revenue, which have a detrimental effect, and that its officials have a bad attitude. There was an accountant there who works for several companies, and he was complaining that the Inland Revenue puts a lot of pressure on some companies to get rid of their staff. Those people will go on the dole, and there will be a cost to that. What influence do you have to ensure that people's attitudes—and particularly that of the Inland Revenue in this case—improve and get more positive to help companies to keep people, especially those aged over 50?

**The Deputy First Minister:** We have been discussing with the Inland Revenue whether there are any opportunities to defer tax payments for a period. On the whole, that has been quite successful. However, if you have specific examples and you feel that we could assist in some way, naturally, we would be very happy to consider them.

**Eleanor Burnham:** On the United Kingdom's Equality Bill, what is your opinion on the fact that it has missed the opportunity to abolish the mandatory retirement age?

**The Deputy First Minister:** I believe that Brian Gibbons has the main responsibility for this area. I must be honest and say that I do not know what comments he has made to the

gwneud i Lywodraeth y Deyrnas Gyfunol. Efallai y byddwch yn fy maddau am hynny. Nid yw'r wybodaeth wrth law am yr hyn y bu adran Brian yn ei wneud o ran beth sydd ac nad yw yn y Mesur. A fydd Brian yn ymddangos gerbron y pwyllgor?

[71] **Eleanor Burnham:** Bydd.

[72] **Y Dirprwy Brif Weinidog:** Efallai y gallwch ei godi gydag ef.

[73] **Eleanor Burnham:** O ran camwahaniaethu yn erbyn pobl hŷn yn y byd cyflogi a'r rôl sydd gennych chi fel Llywodraeth i godi ymwybyddiaeth o hynny ac osgoi agweddau negatif tuag atynt, beth mae'r Llywodraeth wedi bod yn ei wneud ar hynny, a beth fyddwch chi'n ei wneud yn y dyfodol?

[74] **Y Dirprwy Brif Weinidog:** Yn bennaf, mae fy adran yn helpu pobl sy'n hunangyflogedig, gan gynnwys y sawl sy'n hunangyflogedig ac sy'n dechrau cyflogi pobl eraill. Yr ydym yn rhoi cyngor iddynt am eu cyfrifoldebau. Sioned, a hoffech atgoffa'r pwyllgor o'r wybodaeth yr ydym yn gallu ei rhoi iddynt?

[75] **Ms Rees:** Yr ydym yn darparu cefnogaeth i fusnesau ac yn dweud wrthynt ei bod yn bwysig cadw o fewn y rheolau ac edrych ar yr arfer gorau sydd o gwmpas. Mae hynny'n rhan o'r gwaith yr ydym yn ei wneud drwy'r ymgynghorwyr yr ydym yn eu defnyddio i weithio gyda'r busnesau hynny. Yr ydym hefyd yn edrych ar gwmnïau sy'n dangos arfer da yn y maes hwn ac ar sut y gallwn ddod â'r bobl hynny i mewn i Gymru i drafod gyda busnesau ynghylch hynny. Mae hynny'n rhan o'r gwaith yr ydym yn ei wneud gyda busnesau.

[76] **Eleanor Burnham:** Bu B&Q yn hysbysebu ers blynnyddoedd eu bod yn defnyddio ac yn croesawu pobl hŷn i'r gweithlu. Pan fyddwch yn mynd i B&Q, mae'n amlwg bod y bobl yn brofiadol dros ben a'u bod yn gallu helpu.

[77] **Y Dirprwy Brif Weinidog:** Cytunaf â chi, Eleanor. Mae hwnnw'n brofiadol yr ydym oll yn ymwybodol ohono. Yr hyn yr ydym eisiau ei wneud yn glir i gwmnïau yw

United Kingdom Government. Perhaps you will forgive me for that. I do not have to hand the information about what Brian's department has been doing from the point of view of what is and is not in the Bill. Will Brian be coming before the committee?

**Eleanor Burnham:** Yes.

**The Deputy First Minister:** Perhaps you can raise it with him.

**Eleanor Burnham:** On discrimination against older people in the workplace and the role that you as a Government have in raising awareness of it and preventing negative attitudes towards them, what has the Government been doing on that, and what will you be doing in the future?

**The Deputy First Minister:** My department mainly helps people who are self-employed, including those who are self-employed and who are starting to employ others. We give them advice about their responsibilities. Sioned, would you like to remind the committee of the information that we can give to them?

**Ms Rees:** We provide businesses with support and tell them that it is very important that they keep within the rules and look at the best practice that is around. That is part of the work that we are doing through the consultants that we use to work with those businesses. We are also looking at companies that demonstrate best practice in this area and at how we can bring those people into Wales for discussions with businesses. So, that is part of the work that we do with businesses.

**Eleanor Burnham:** B&Q has advertised for years that it uses and welcomes older people as part of its workforce. When you go into B&Q, it is evident that the people are very experienced and are able to help.

**The Deputy First Minister:** I agree with you, Eleanor. That is an experience that we are all aware of. We want to make it clear to companies that keeping the skills that older

bod cadw'r sgiliau sydd gan bobl hŷn yn bwysig. Credaf y bu newid yn sicr, er nad ydyw wedi mynd yn ddigon pell, efallai, yn agwedd cwmnïau tuag at eu gweithlu. Yn y dirwasgiadau yn yr 1980au a'r 1990au, yr oeddent yn rhuthro braidd i gael gwared ar y gweithlu ac, yn arbennig, y rhan honno ohono a oedd fwyaf profiadol. Pan ddaeth y dirwasgiad i ben ac yr oedd pethau yn dechrau codi, gwelwyd nad oedd ganddynt y sgiliau yr oedd arnynt eu hangen. Cafodd nifer o wersi pwysig eu dysgu yn nirwasgiadau yr 1980au a'r 1990au sydd erbyn hyn yn cael eu rhoi ar waith. Drwy ein cynlluniau, yr ydym yn cadw cynifer â phosibl o'r sgiliau sydd gan gwmnïau yn barod.

[78] **Ms Rees:** Mae newid agwedd wedi bod ymysg busnesau. Mae Bank of America wedi rhoi arian yn ddiweddar i Prime Cymru, gan gydnabod pwysigrwydd yr elfen honno o'n poblogaeth. Felly, gwelwyd newid yn y sector preifat ac mae hynny'n dechrau dod drwodd yn awr.

[79] **Eleanor Burnham:** Caiff hwnnw ddylanwad da. Mae America wastad wedi cadw pobl hŷn yn ymgyngorwyr, a'r Almaen hefyd.

[80] **Ann Jones:** I thank you for coming to give us those good answers. We look forward to receiving that written note on the case study. It will help us with our inquiries. Thank you both for your time.

[81] We now move on to the second part of this item. Dr Brian Gibbons will answer our questions as part of our inquiry into older people and employment discrimination. Brian is no stranger to this committee; his nameplate even sits in our little box with those of all the committee members. It is nice to have you with us again, Minister.

[82] We have just heard the Deputy First Minister's ideas and thoughts on how we can take this forward. I will start with the first question, which is on the first and second phases of the strategy for older people. That strategy falls within the remit of several portfolios and departments. As the Minister responsible for equalities, how have you worked to ensure the mainstreaming of equality issues? How have you worked in particular with the Deputy Minister for Skills, and the Deputy First Minister and Minister for the Economy and Transport? How have you worked to make sure that we have got this issue covered, and are there any issues that you think we should push further forward?

[83] **The Minister for Social Justice and Local Government (Brian Gibbons):** As my department is responsible for social justice and equalities, the single equalities scheme is probably the most important aspect of the work that we do. The single equalities scheme covers the six equality strands, including age, and we work actively with the other departments to make sure that the principles of the scheme are embedded in their policies, and that there is nothing in them that would discriminate against people on the grounds of age. We

people have is important. I believe that there has been a change, although it has not, perhaps, gone far enough, in how companies view their workforce. In the recessions during the 1980s and 1990s, they could not get rid of the workforce fast enough, and particularly the most experienced element of it. When the recession came to an end and things started to pick up, they realised that they had did not have the skills base that they needed. So, a number of important lessons were learned from the recessions of the 1980s and 1990s, which, by now, are being put into practice. Through our schemes, we are keeping as many as possible of the skills that businesses already have.

**Ms Rees:** There has been a change of attitude among businesses. The Bank of America gave funding to Prime Cymru recently, as it acknowledges the importance of that section of our population. So, there has been a shift in the private sector, and that is now beginning to filter through.

**Eleanor Burnham:** That will have a good influence. America has always kept older people as consultants, and Germany, too.

also ensure that the departments work positively to promote the opportunities for people, as part of the age strand and the other five strands of the equalities scheme. Officials in my department work on a one-to-one basis with those in other departments to make sure that their policies are consistent with our single equalities scheme and that they promote equality of opportunity.

10.00 a.m.

[84] **Ann Jones:** We have received a written contribution to the inquiry from the Wales TUC, which points out a couple of issues in this regard. It says that trade union officials are reporting that older people are often the first to be put forward for redundancy if a firm feels that it must shed some jobs. Companies will take on younger people because they can start them at the lower end of the salary scale; if it has a choice between someone with experience and a younger person, if it is looking to save money, the younger person will get the job. Some people have asked to work past their retirement age and have been denied that opportunity. What is the Welsh Assembly Government doing to ensure that older people are not discriminated against in the workplace?

[85] **Brian Gibbons:** As the Assembly Government, we have removed the mandatory retirement age for our own employees. Therefore, thousands of people here in Wales benefit directly from that. People will also benefit as a result of the good practice that we are establishing. For example, in the fire service, as you may know, we have removed the mandatory requirement for retirement at the age of 60 or 55, depending upon the grade of the firefighter. Insofar as matters are under our direct control, we are taking steps to ensure that we are providing equality of opportunity for people, regardless of their age.

[86] **Eleanor Burnham:** You have already answered some of my question about the Welsh Government's age-proofing-related policies. To what extent have the age-proofing approaches been developed in partnership with other organisations, including those run by, or which focus on, older people?

[87] **Brian Gibbons:** I have already dealt with the issue in relation to firefighters, for example, as they are clearly within our portfolio. Every department has its own equalities champion, and each department is responsible for ensuring that the single equality scheme is mainstreamed in its activities. We have link workers from our equalities division to facilitate or be a resource for those champions. Perhaps Cherry has something to add on that.

[88] **Ms Capel:** We have an equality, diversity and inclusion division. We have policy leads, who are link officers to various departments in the Welsh Assembly Government, to ensure that equality is mainstreamed and that there is nothing that would particularly affect any of the six strands, as the Minister has explained, including age. It is not necessarily specific to age; it goes across the six equality strands.

[89] **Eleanor Burnham:** When you say that it is mainstreamed, do you mean that it is at the front end when things are being designed, rather than being an add-on?

[90] **Brian Gibbons:** As I think we have reported to the committee previously, impact assessments are undertaken for all significant policy initiatives by the Assembly Government. It is almost routine now to see it written on policy documents that the policy has been assessed from the point of view of equality. Looking to the future, I know that the committee will be interested in the reporting arrangements for the new Equality Bill. As the Assembly Government, as well as having to comply with the general duty that the Equality Bill outlines, we will probably be developing specific duties, and there will be a reporting mechanism around that. In the past, many of the reporting mechanisms were a bit ritualistic. There was probably a lot of noise about them, but they did not communicate a clear message. However,

as the Equality Bill goes through the Houses of Parliament, we have to respond to it, and the reporting mechanisms for the strands, which include age, will be among the big challenges that we must address, namely how we report on how we are making progress against the general and specific duties in the strands.

[91] **Eleanor Burnham:** Can you specify a policy change that has been implemented as a result of the age proofing, beyond what you have just referred to?

[92] **Brian Gibbons:** I do not know whether the Deputy First Minister mentioned them, but there are particular programmes to promote enterprise that are targeted towards older people, such as Prime Cymru, which I think works with the Prince's Trust. Equally, some volunteering programmes are targeted at older people. We know that many local authorities in Wales are becoming increasingly conscious of their duties towards their older employees, particularly as they face retirement, holding pre-retirement classes and exploring with them the options for what they want to do with the rest of their lives. There are other programmes, such as Want to Work; even though its main focus is on people who are economically inactive through invalidity and incapacity, by definition, they tend to be older people. My understanding is that a large number of older people have been particular beneficiaries of Want to Work. You may remember that the target for Want to Work, when it was originally launched, was about 1,200 people and we have got almost 2,500 people into work through the Want to Work scheme. A substantial number of those people, as I understand it, were not youngsters, let us say.

[93] **Ann Jones:** Is that all right?

[94] **Eleanor Burnham:** Yes, that has answered most of what I wanted to know.

[95] **Joyce Watson:** You have identified this morning some areas in which we have control over the workforce where action has definitely been taken to help the older worker; we all welcome that, Minister. However, has any further action been taken where we have devolved powers and where we provide funding? I am thinking particularly of the NHS, local government and other public bodies.

[96] **Brian Gibbons:** It is a bit difficult for me to comment specifically in relation to other portfolios, although, having said that, from my experience in the health service, I know that that organisation was working actively to promote the wellbeing of people who had retired, and that included volunteering opportunities and so on. Unless Cherry can answer, more specific questions in that regard would have to be directed to the relevant portfolio Ministers.

[97] **Ann Jones:** Do you have anything to add, Cherry?

[98] **Ms Capel:** I know that the Welsh Local Government Association has appointed a policy officer for older people and that it has developed a network for establishing co-ordinators that is looking at best practice for each local authority. In addition, a number of local authorities have implemented new recruitment practices and training by way of pre-retirement courses. I know that Bridgend County Borough Council, for example, was awarded champion status by Age Positive for its campaign to tackle age discrimination in the workplace. So, a lot of work is going on in local government at the moment.

[99] **Ann Jones:** We will write to all the other portfolio holders for information on that.

[100] **Joyce Watson:** I think that we should write to them, because we need to capture all of that. You say in your paper, and you have said it again this morning, that, under the single equality scheme, particular schemes can end up with particular duties. How will the single equality scheme help to identify groups of older people who experience discrimination on



particular levels—this morning, we are looking at the situation in the workplace or those people who are jobseekers or who want to set up businesses.

10.10 a.m.

[101] **Brian Gibbons:** We have a six-monthly review. The single equality scheme is now live and running and is a part of the routine processes that occur on a six-monthly basis. The effects of the single equality scheme are reviewed internally by us, but also by the various departments to ensure that it is delivering. There is a root and branch review after three years.

[102] **Ms Capel:** The scheme will run for three years.

[103] **Brian Gibbons:** So, the single equality scheme is checked on a six-monthly basis to see that it is hitting the right bases. At the end of three years, the whole thing will be looked at in the round to see whether it is delivering. That six-monthly review will involve working with other departments to see that the single equality scheme is having an effect. In the Assembly Government as a whole, human resources profiles the make-up of the workforce with regard to gender, age, disability and so on. The way in which the information is collected has been changed in the last few years, so there may be slight discontinuity in the information. However, the intention would be that information be routinely available. The committee might wish to return to this at some stage, when we look at the reporting mechanisms for the Equality Bill in Wales when it is enacted.

[104] **Joyce Watson:** I have one final question. You say that there is a delivery group that plays a part in the development and the review of that scheme. How is the perspective of older workers and jobseekers represented in that delivery group?

[105] **Ms Capel:** There are representatives from internal departments and external organisations. I believe that one of those is Age Concern Cymru. I know that the group is focusing on the six strands, including age. I do not know who the current representative on the group is, as the group has not met yet. It is due to meet in September, I think. However, there will be representatives from each of the equalities strands, so age will be covered in that.

[106] **Brian Gibbons:** Where it is necessary or where we do not have the expertise, it is established practice not to rely just on civil service colleagues to give us the information. We engage with outside organisations, third sector organisations and other experts if they can help us with this work. So, it is an inward-looking exercise in one sense, but the information is not totally from within the Assembly Government family.

[107] **Janet Ryder:** I would like to move on to look at the Equality Bill and the consequences that that might have. Age Concern and Help the Aged have both made reference to the Equality Bill in the evidence that they have given. They made reference to utilising existing powers and those that are forthcoming as part of clause 147 of the Equality Bill to ensure that age discrimination in employment is eradicated. In your paper, you say that the duties that you will get under the Bill will be designed specifically to fit the Welsh context and enable Welsh public authorities to better implement the new public sector duty. Could you outline for us, under that clause in the new Bill, the new powers that you will get and how you will use them, specifically to combat discrimination and promote equality for older workers and jobseekers.

[108] **Brian Gibbons:** I will answer the last part of your question first. We cannot give you a specific answer to that because, starting in the summer, we want to go out and have a blank-sheet discussion with people whom we regard as being the key stakeholders, to set the parameters of what we should do.

[109] **Janet Ryder:** So, is that your listening exercise?

[110] **Brian Gibbons:** Yes, that is the listening exercise. Having undertaken that, we will put some proposals on the table vis-à-vis the specific duties that will flow from the Equality Bill and we will then have a consultation on that. That is how we will take the specific duties forward.

[111] **Janet Ryder:** Obviously, you will not be clear about what comes out of that listening exercise until you have done it, but sometimes it is about how you frame your questions.

[112] **Brian Gibbons:** You are right: it often depends on how you ask your questions. When we developed the single equality scheme, we generated much good practice by approaching the various focus groups in as open a way as possible. We did not have an agenda to drive this in any particular direction. Clearly we want to capture the key issues that matter to people and we want to hear what people say rather than steer them in a particular direction.

[113] **Janet Ryder:** Can I take you back to the first part of that question? What powers do you have now and what new powers will you get in the Bill?

[114] **Brian Gibbons:** We are covered by the existing equality legislation, which, as you probably know, is pretty much a maze at the moment because it contains so many different elements. However, we will be covered by the same legal duties to tackle direct and indirect discrimination, to deal with harassment and intimidation, and to promote good relations between people who have those characteristics and so on. We will be bound by all of those. Furthermore, we will have the opportunity to develop more specific duties in relation to devolved organisations in Wales. So, we can outline specific duties for organisations based in Wales, which will be influenced or informed by the listening process.

[115] Somewhat more problematic are the non-devolved bodies that have devolved responsibilities in Wales. At the moment, if you look at Part 2 of Schedule 19 to the Bill, there is a list of Welsh organisations that will be potentially liable for these specific duties. However, there is no list of non-devolved bodies with devolved responsibilities, so if we were to place duties on those bodies, a new list would have to be drawn up. In the first instance, the organisation on that list would be dictated by the Secretary of State, but we could make representations to the Secretary of State to include organisations. In putting organisations on that new list—as we assume will happen—the Secretary of State will indicate whether or not we are able to place specific duties on those organisations.

10.20 a.m.

[116] As they are put on the list, the organisations will be designated, ‘This organisation can have specific duties put on it’, or, ‘This organisation cannot have specific duties put on it’. We have had a lot of discussion with the Westminster Government in relation to this. It feels that a pragmatic approach needs to be adopted. For certain organisations to have two separate sets of equality duties would make it difficult for them to work effectively, but the Westminster Government does acknowledge that there are certain non-devolved organisations working in Wales and it would make more sense for them to be in tune with the specific Welsh duties, as opposed to the wider corporate duties that might occur through the Westminster legislation. It is not a very tidy set of arrangements, but that is where we are at the minute.

[117] **Janet Ryder:** Am I right in thinking that the new powers that you are going to get are specifically to create a duty on Welsh bodies, that you are not going to get any extra powers as such and that there will be no transfer of power?

[118] **Brian Gibbons:** There will be extra powers.

[119] **Janet Ryder:** Would you like to outline what they will be?

[120] **Brian Gibbons:** At the moment, the only strands are the three that we have: disability, gender and race. As you know from previous Assemblies, we were not able to bring forward specific duties and schemes in relation to gender because Assembly Members were not happy with what was being proposed. So, those three strands will still be there, but they will be expanded, with new powers to cover age and so on. That is the main focus of this. We do not have any specific powers at the moment in relation to age, but come the Equality Bill, we will get those powers. Our range of competencies to set specific duties in relation to devolved bodies in Wales will be significantly expanded.

[121] **Eleanor Burnham:** To clarify, because people do watch what we are doing here, could you remind us about the list of non-devolved of bodies, or give a few examples of bodies that will not be on the list?

[122] **Brian Gibbons:** There is no-one on the list at the moment. The organisations that we have used for illustrative purposes to try to test the system in our discussions with colleagues in Westminster have been some of the blood transfusion services, which operate across the border, and some of the grant-giving bodies for higher education students. That is as I understand it; however, I am not an expert on either of those. My understanding is that those organisations work either side of the border and I think that the grant-giving body for students extends even into Scotland. We tried to use them as templates to work through the implications of the Equality Bill.

[123] **Eleanor Burnham:** What about the police?

[124] **Brian Gibbons:** No; the police have no devolved functions in Wales.

[125] **Eleanor Burnham:** What about a body like the Environment Agency? I am unclear about all of this, to be honest with you.

[126] **Ann Jones:** The list has not been drawn up yet.

[127] **Brian Gibbons:** The Environment Agency and the Forestry Commission—there are a few organisations like that. I cannot give you a specific example. There is a list of organisations that are deemed to be devolved; that list is there and in the Bill. You can see that. However, by definition, as I have said already, we do not have a list of the non-devolved organisations that would have devolved responsibilities. We do not have that list and to move the Equality Bill forward we would have to have a discussion on a case-by-case basis. I do not know enough about the legal status of the Forestry Commission to know whether or not Forestry Commission Wales is a totally devolved body or not. I know that there is a similar organisation with a very similar purpose in England, but I am afraid that I cannot tell you whether they are two separate organisations.

[128] **Ann Jones:** We will move on.

[129] **Janet Ryder:** You will know that, in the Bill, the Government did not take the opportunity to abolish the mandatory retirement age. Do you have a view on that?

[130] **Brian Gibbons:** The Assembly Government does not have a view, other than the view that I stated that, for our own employment purposes, we have abolished the compulsory retirement age. We have taken a view for ourselves as employers, but as a Government, with

regard to public policy, this is not a devolved area.

[131] **Janet Ryder:** You do not currently have the powers to introduce such a policy for bodies other than yourselves, where you are the direct employer. Can you clarify whether you would have that power under the new Bill?

[132] **Brian Gibbons:** My understanding is that we would not. All this is fairly tortured in one sense, because the fields of equality and human rights are totally non-devolved. These are very much Westminster responsibilities. However, as you know from the various equality reports and so on that we produce every year, an awful lot of what we in the Assembly Government do are the things that really make a difference from the point of view of making people who are disadvantaged full and active citizens. Even though, legally, we cannot set the legal framework, what we do makes a massive difference to how full and equal a life people who are possibly discriminated against have, and allows them get on with their lives here in Wales.

[133] Given that some of the information that we have produced is pretty exhaustive, it might give the impression that we have more competence than is the case in reality. This is one of the reasons why, in our discussions with Westminster, the consent of UK Ministers is required in so much to do with putting new organisations on lists or even these cross-border ones. The Secretary of State will be in the driving seat, in the main, in putting those organisations on the list. In our discussions with Westminster, the UK Government was clear that its policy intent was that equalities and human rights issues would remain as reserved areas. In any of our discussions with Westminster, the balance always fell, in their view, towards the side of the argument that said that these matters are non-devolved. There is a clear policy view that they do not want to see any dilution in the devolution of equalities at the minute.

[134] **Ann Jones:** I will ask you one final question, Brian. Does the Welsh Assembly Government have a role in raising awareness of the unlawfulness of age discrimination in employment? Referring to the TUC again, its representatives told us that many employees did not realise that they were breaking the law by putting advertisements in for people of a certain age. In addition, does the Assembly Government have a role in combating negative and stereotypical attitudes towards older people with employers in Wales? I know that we are doing it within the Assembly Government and within the National Assembly, but do you now have to take your crusade outside this building?

[135] **Brian Gibbons:** The Assembly Government was the first administration to have an older people's strategy and the first to have an older people's commissioner. We have been very active. Not every local authority has an older people's forum, but the majority of them do. Overwhelmingly in Wales, as local authorities develop their community strategies, health and wellbeing strategies and so forth, these older people's fora are involved in the development of these strategies. A lot of good work is being done to ensure that the points of view of older people are mainstreamed into public policy in Wales.

10.30 a.m.

[136] However, you may remember that Age Concern took the UK Government to court in relation to the pension age, and the UK Government won that case. It was decided that it was legitimate to have a mandatory retirement age, and that it was not illegal to do so. However, the view of the European Court of Justice was that you had to be able to justify having a mandatory retirement age with clear social policy perspectives. You cannot arbitrarily pick a retirement age, but you can have a defined age for retirement as long as there is a rationale underpinning it. In that context, the UK Government has been able to maintain a mandatory retirement age. To turn to one interesting aspect of the Equality Bill, as I understand it, at the

moment, if a person brings a case to an employment tribunal or whatever, and that person wins the case, every other worker in that employment in the same circumstances is not affected by that. One of the more welcome elements of this Bill is that if a person wins a case in a tribunal, it will, effectively, be a class action. Therefore, other people in that employment that share the same circumstances will benefit from that hearing. That is a positive development in this Bill.

[137] **Janet Ryder:** On the new power that you will have to impose duties on public bodies within Wales, you cannot make a mandatory retirement age illegal, or bring in a legal ruling about retirement age, but could it be included in those duties? Could you use those duties to support and develop a policy across every public body in Wales, so that they adopt the policy that we have adopted as an employer?

[138] **Brian Gibbons:** The test will be whether or not they are complying with UK law. We cannot set specific duties in Wales that are not compliant with the general duties. I am not a lawyer, but, theoretically, if a body does not have a general duty placed upon it—do not ask me about a body that would not—you cannot have a specific duty either.

[139] **Ann Jones:** Thank you very much for coming in and answering the questions, Brian. We are at the early stages of this inquiry, so we may bring you back when we have found out more information.

[140] I remind Members before we close that the final meeting before the recess will be held a fortnight today on 14 July, when the Deputy Minister for Skills will come in and we will continue with this inquiry into older people and employment discrimination. With that, I close the meeting.

*Daeth y cyfarfod i ben am 10.33 a.m.*  
*The meeting ended at 10.33 a.m.*