

Committee on Equality of Opportunity

MINUTES

Date: 3 February 2000

Time: 9.30 am

Venue: Committee Room 1, National Assembly Building

Attendance: Members

Jane Hutt (Chair)	Vale of Glamorgan
Richard Edwards	Preseli Pembrokeshire
Edwina Hart	Gower
Carwyn Jones	Bridgend
Gareth Jones	Conwy
Helen Mary Jones	Llanelli
David Melding	South Wales Central
Janet Ryder	North Wales

Advisers to the Committee

Kate Bennett	Equal Opportunities Commission
Kevin Fitzpatrick	Disability Rights Commission
Howard John	Disability Wales
Mashug Aly	Commission for Racial Equality
Judith Jones	Commission for Racial Equality

Officials

Kate Cassidy Charles Willie	Public Administration, Equality and Public Appointments Division
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Andrew George	Clerk
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Julie Bragg	Deputy Clerk
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Apologies were received from Glyn Davies and Kirsty Williams.

Agenda Item 1: Chair's Report **Paper: EOC-01-00(p.1)**

1.1 The Chair welcomed everyone to the meeting. In particular she wished to welcome Dr Kevin Fitzpatrick, the newly appointed Disability Rights Commissioner for Wales; Dr Mashug Aly, the Director designate of the Commission for Racial Equality in Wales; and Elisabeth Jones, who had recently joined the Office of the Counsel General from the European Court of Human Rights in Strasbourg.

1.2 The Chair announced that Kate Cassidy was moving from her position as Head of the Public Administration, Equality and Public Appointments Division to become the Head of Local Government

Modernisation Division. She wished to record the thanks of the Committee for the role Kate had played in equality issues both before and since the formation of the Committee. She would be replaced shortly by Mike Harper.

1.3 The Chair had discussed the staffing of the Equality Unit in a recent meeting with the Permanent Secretary. Since May there had been a number of appointments to the Unit with the result that, in addition to the Head of Division and the Unit Head, there were now two staff dedicated to each of the main equality areas. In addition, one member of staff was working with the Global Cultural Diversity Congress organisers and a secondee from the Welsh Refugee Council was working on immigration and asylum issues. It was suggested that the Permanent Secretary should be invited to explain the resources available to support equal opportunities to the Committee.

1.4 The results of the Equality Audit would be presented at the next meeting. Members queried whether the audit would be independently scrutinised. Charles Willie agreed that this would be helpful and it would be arranged. He had obtained independent advice on the structure and format of the information-gathering methods which had been used both from the equality organisations and from the University of Wales.

1.5 The Chair highlighted several issues from her report:

- the Chinese government representative at the Global Cultural Diversity Congress was no longer to be a keynote speaker. The Commission for Racial Equality were involved in the workshops to be run at the Congress, and Disability Wales had been asked to suggest accessible venues;
- the Assembly Secretary for Education and Children, Rosemary Butler; and ACCAC, had been invited to attend the Committee's next meeting to discuss the Assembly's response to the Stephen Lawrence Enquiry recommendations on education. It was agreed to invite ESTYN as well;
- the office of the European Social Affairs Commissioner had advised that any invitation to her to visit Wales was likely to be given a higher priority if the proposed programme reflected her wider portfolio. It was agreed that equal opportunities would be the main focus. However, a more broadly-based visit would provide the opportunity to make the link between equality and economic development.

1.6 On the timing of the proposed equality week, the Chair had taken various factors into account and had come to the conclusion that it would be most appropriate to hold it in July around the time of the Assembly's annual debate on equal opportunities. The proposal for it to coincide with International Women's Day would not have allowed time for the action plan resulting from the Equality Audit to have begun. However, the Day was being recognised by the Assembly because the Deputy Presiding Officer was chairing an event in the Chamber by the Permanent Waves organisation and many Members would be attending a lunch with Wales TUC. Members also proposed an exhibition in the Milling Area for the Day and support for an event called 'In Celebration of my Sister' which would take place in St David's Hall on 21 March. The Chair proposed to write to women's organisations about these proposals.

1.7 Members expressed disappointment with the response to the questionnaire on equality awareness and suggested that it would not be meaningful to plan a programme on the basis of a 35% response rate. The Chair said that most of those who had responded had preferred shorter interactive sessions. Training in public appointments would take place before the end of this session. The programme for other sessions would be provided before the end of term.

Agenda item 2: The Human Rights Act

Presentation by Kate Cassidy, Head of Public Administration, Equality and Public Appointments Division and Elisabeth Jones, Office of the Counsel General

2.1 Kate Cassidy explained that Section 107 of the Government of Wales Act 1998 prevents the Assembly from acting in a way which is incompatible with the Human Rights Act 1998. The Human Rights Act itself covers all public functions in the UK but does not come into force until 2 October this year. This means that local authorities and the NHS for example are not covered by the Act until then.

2.2 The Human Rights Act will enable 'victims' to use the Human Rights Convention in UK courts and tribunals rather than taking them to the European Court on Human Rights in the first instance. This requires UK legislation to be interpreted in a way which is compatible with Convention Rights. If this is not possible then the legislation needs to be changed, possibly by the Courts quashing subordinate legislation or by changes to primary legislation being fast-tracked.

2.3 The Convention rights are wide-ranging and vary from the right to marry, to belong to a trade union, to be educated or to enjoy one's own property as well as the more fundamental right to life. Rights can be absolute, limited or qualified in a way that is prescribed by law but is proportionate to the right concerned. For example, you cannot be draconian in protecting someone's right to privacy. What is important is that the Convention is a living policy and can change with the changing moral climate of a country.

2.4. Convention rights had implications for many of the Assembly's functions. Article 6 - the right to a fair trial - has to be considered in terms of procedures which affect civil rights and obligations such as planning decisions or any procedure which involved people sitting in judgement about the rights of others. Articles 3 and 8 have implications for the care of vulnerable people such as children and older people. These feed into the Assembly's health and social care policies. Article 14 prohibits discrimination. This has to be considered in conjunction with all the other rights (e.g. the right to education and exclusions from schools) and affects policies across the board.

2.5 The Welsh Office had joined the UK Human Rights Taskforce and formed a project board to take forward implementation over a year ago. Officials now have to complete a checklist for any submission to an Assembly Secretary to confirm that it complies with Section 107 of the Government of Wales Act. Internal seminars had taken place and detailed guidance has been produced for individual policy areas. Public authorities have been alerted and guidance had been issued to sponsored bodies, the Welsh Local Government Association, Wales Council for Voluntary Action and Business Wales. A conference on the

Act has been arranged for these bodies on 19 May and key decision-makers would be attending. Committee Members and the standing advisers would be invited to the conference.

2.6 In signing the Act, the UK Government had qualified the right to education in terms of the availability of resources. This was particularly important in connection with parents' wishes to have their children educated in their own religion. Members felt that the Assembly could make resources available to meet demands if necessary. The Convention itself had been in existence since 1951 and Members felt it would be appropriate to celebrate its 50th anniversary next year.

Agenda Item 3: Disability Rights Task Force Report: From Exclusion to Inclusion

Paper: EOC-01-00(p.2)

3.1 The Chair explained that the First Secretary had invited the Committee to monitor the implementation of the recommendations of the Disability Rights Task Force (DRTF). She invited Kevin Fitzpatrick to comment on the report.

3.2 Members of the DRTF had come from various backgrounds and included employers and service sector representatives. The resulting report is therefore balanced having needed to satisfy all parties and sets a baseline from which the Assembly could take its policies and develop a strategic approach. Dr Fitzpatrick highlighted one of the issues raised in particular: education, at all 3 tiers, currently falls outside the provisions of the Disability Discrimination Act (DDA). The report highlights the urgency with which the Task Force views the need to rectify this. He indicated that the Government is sympathetic to all the suggestions made in the report although there is no clear timetable yet to addressing them. The DRTF's remit allows it to review and suggest the recommendations that it feels should take priority. A particular priority for Wales was the threshold at which employers are bound by the provisions of the DDA, given that Wales has a large proportion of small employers. The application of the goods and services provisions of the DDA would be a major priority within this consideration.

3.3 The Disability Rights Commission itself would have four core functions: case work, legal support, policy and media representation. The staff of the Commission, 160 in total, were currently being recruited, including 6 Directors, one of whom would cover Wales. The Commission would operate on the principle that 'there is no equality of opportunity until there is equality of outcome' and would look to make an impact as quickly as possible. The Chair informed Members that a key post within the DRC had previously only been advertised in the South Wales Echo but following representations she had made to David Blunkett, it had also appeared in the Western Mail.

3.4 It was agreed to commission a paper on the implementation of the DRTF's recommendations in Wales, including whether it was possible to vary the threshold here. Members considered that it was important for the Assembly to set deadlines and timescales. The Chair proposed to write to all Cabinet Members and Committee Chairs to bring the report to their attention and to inform them of the Committee's intention to use its audit powers to the full. The letter would include certain key points and

questions that recipients should consider. Charles Willie reported that the DRTF recommendations had already been circulated to the Heads of all Assembly Divisions who had been asked to indicate what practical actions they now proposed to undertake.

3.5 Members considered whether Rosemary Butler should also be asked to comment on the DRTF recommendations when she came to the Committee. It was felt that this might be a distraction from consideration of the Stephen Lawrence recommendations. However, the Chair would write to Mrs Butler and Tom Middlehurst, the Assembly Secretary for Education and Training suggesting an informal meeting about these and the gender issues raised at the previous committee meeting

Agenda item 4 : Working Party on Stephen Lawrence Enquiry Recommendations

Paper: EOC-01-00(p.3)

4.1 The Chair introduced this item which would consider the terms of reference for the working group of volunteers on the recommendations of the Stephen Lawrence Enquiry and a report of their meeting on 19 January. Institutional racism had to be acknowledged and addressed. The Committee's pro-active approach had been viewed very favourably by bodies dealing with race issues and they were looking forward to seeing the results. Members of the working group agreed to consider separately whether it should become a formal sub-committee of the Committee.

4.2 The proposal to establish a working party of officials and outside bodies to look in detail at the education recommendations was welcomed. It was suggested that the Commission for Racial Equality and the All Wales Ethnic Minority Forum should be members of the working party along with ACCAC, ESTYN and the South Wales Police. Bodies outside the 'status quo' should also be invited to participate if they could be identified. The Chair agreed with the sentiments expressed and indicated that progress would be made on the working party as soon as possible.

Agenda item 5: Committee's Forward Work Programme

Paper: EOC-01-00(p.4)

5.1 Members were invited to consider the proposed Forward Work Programme for the Committee. As some of the agendas were full, it was suggested that some briefings for Members might take place outside committee meetings. However, it was recognised that there might be timetable problems with this approach. The programme was not rigid and could change as issues emerged. The Secretariat were tracking the papers that had been requested previously to ensure that they were being brought back to the Committee at an appropriate time.

Agenda item 6: Minutes of the previous meeting

Paper: EOC-05-99(min)

6.1 The Equal Opportunities Commission had submitted some written corrections to the figures quoted in paragraph 4.1 of the minutes but otherwise the minutes were accepted. Members sought further information on a few points. Information was requested on the proactive approach that was now being taken to recruit black and ethnic minority staff to the Assembly; and the question of the Assembly's representation at the Beijing Plus Five event. Officials undertook to report back on these issues.

6.2 Howard John drew attention to developments regarding the new Assembly building. Members had been provided with information on what had been discussed with the architects and a full consultation exercise would take place before plans were finalised. He wished to express his thanks to the Finance Secretary for enabling such discussions and therefore changes to take place.

6.3 The meeting closed at 12.05.