

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Cyfiawnder Cymdeithasol ac Adfywio

The National Assembly for Wales
The Social Justice and Regeneration Committee

Dydd Iau, 1 Chwefror 2007
Thursday, 1 February 2007

Cynnwys
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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

Mick Bates	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Janice Gregory	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Mark Isherwood	Ceidwadwyr Cymru Welsh Conservatives
Laura Anne Jones	Ceidwadwyr Cymru Welsh Conservatives
Trish Law	Annibynnol Independent
Leanne Wood	Plaid Cymru The Party of Wales

Swyddogion yn bresennol

Officials in attendance

Luned Jones	Y Gyfarwyddiaeth Ystadegol Statistical Directorate
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Eraill yn bresennol

Others in attendance

Dave Holland	Pennaeth, Safonau Masnach Caerdydd Head, Cardiff Trading Standards
Liz Morgan	Cyfarwyddwr Dros Dro, Stonewall Cymru Acting Director, Stonewall Cymru
Chris Myant	Cyfarwyddwr Gweithrediadau, Comisiwn Cydraddoldeb Hiliol Cymru Director of Operations, Commission for Racial Equality Wales
Ian White	Y Swyddfa Ystadegau Gwladol Office for National Statistics

Gwasanaeth y Pwyllgor

Committee Service

Dr Virginia Hawkins	Clerc Clerk
Claire Griffiths	Dirprwy Glerc Deputy Clerk

*Dechreuodd y cyfarfod am 9.31 a.m.
The meeting began at 9.31 a.m.*

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

[1] **Janice Gregory:** Good morning everyone, and welcome to the Social Justice and Regeneration Committee meeting. I will run through some housekeeping issues before we start. If anyone has a mobile phone, a pager, or a BlackBerry, I ask you to switch it off. As you are aware, the National Assembly operates through the medium of Welsh and English; if you require simultaneous translation, you will receive that through the headsets that are on the desks in front of you. Channel 1 is the translation channel, and the verbatim proceedings are available, if you need to amplify the sound, on channel 0. There is no fire drill today, so, if the alarm sounds, you will be asked to leave the building in an orderly fashion. You will be guided by the ushers.

[2] Please do not touch any of the buttons on the microphones; they will come on automatically. If you touch them, you will switch yourselves off rather than on.

[3] I have received an apology from Sandy Mewies. Does anyone have any declarations of interests to make? I see not.

9.33 a.m.

**Cofnodion y Cyfarfodydd Blaenorol
Minutes of the Previous Meeting**

[4] **Janice Gregory:** Are there any comments on the short minutes of the meeting of 18 January? I have not received any, and neither has the secretariat. I see that there are no comments.

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

**Rhaglen Waith yr Undeb Ewropeaidd 2007
European Union 2007 Work Programme**

[5] **Janice Gregory:** This is paper 1. I do not know whether anyone has any comments to make on that. I see that they do not; I did not think that anyone would have anything to say on it.

[6] To go back to my introductory comments, we have a slight change to the agenda after the break, which should make no difference to us and our finishing time. Chris Myant from the Commission for Racial Equality will now be here for the last item on the agenda. We have swapped those items around.

[7] I would also like to mention the letter from the Minister, dated 29 January, which has been e-mailed to everyone. It relates to the fire and rescue service national framework. I wanted to let everyone know that that has been sent. If you have any comments, please let the secretariat know. If you have comments to make now, that is fine; if not, will you make them as soon as possible? The deadline is 2 February, which is tomorrow. So, I ask you to have a quick look at that sometime today, though I know that time is limited. Knowing the members of this committee, if they had comments to make, I am sure that they would have made them by now. However, I just needed to remind you of that.

[8] So, has anyone got anything to raise on the EU work programme? Issues were highlighted for the committee, but you will have seen them, so that is fine.

[9] Claire has just reminded me about the committee report. Everyone knows that next Wednesday afternoon, 7 February, we will be debating our report on youth homelessness in Plenary. We have a launch on Wednesday in the Oriel at 12.45 p.m.. I know that time is limited for us at lunchtimes, with everything that is going on, but I would be grateful if Members would come to the launch, because there will be people there from the groups that contributed to the report, and it would be nice for them to see us there because of our interest in this issue. That is all that I have to say about the report, but a buffet lunch will be provided—I think that that also needs to be mentioned—and it will give you another opportunity to meet the people whom you spoke to during the gathering of evidence and others who we did not have a chance to meet in person. In fact, a group of young people from north Wales is making the effort to come down, so it will be lovely for them to see us, and for us to see them, of course.

9.36 a.m.

Cyfrifiad 2011 2011 Census

[10] **Janice Gregory:** Without further ado, we move on to the 2011 census. I am delighted to welcome Luned Jones, from the Welsh Assembly Government's Statistical Directorate, and Ian White, from the Office for National Statistics. I ask you to introduce the paper.

[11] **Ms Jones:** The paper is an information paper and summarises the latest situation and developments with regard to preparations for the 2011 census. It briefly summarises recent topic consultations, the research work and the question-testing work that is going on in ONS, and annexes E and F in particular outline the latest ONS thinking about the questionnaire content for 2011. The paper also mentions the census test, which will be held in parts of Carmarthenshire in May this year. You will also wish to note the recent transfer of functions, which will give the Assembly a more formal role in agreeing future census forms in Wales. We would be particularly interested in the committee's views on annex E, which outlines the ONS proposals for the content of a three-page-per-person questionnaire. My colleague Ian White from ONS will be happy to answer queries on recent developments and current thinking from the ONS perspective, and I am happy to respond to any questions on the work that we are doing in the Welsh Assembly Government.

[12] **Janice Gregory:** Does anyone have any questions on this? One of the most burning issues that arose from the last census was that of nationality, was it not, which has been addressed, has it not, Ian? Do you remember the whole issue on the tick box asking, 'What are you?'?

[13] **Mr White:** The whole system that we have got in to involve the National Assembly and the Welsh Assembly Government stems out of the difficulties that we had with the lack of a specific Welsh tick box in the last census. We made a commitment at that time that we would rectify that. The intention, which we are testing in May, is that, if we have an ethnicity question in the census, there will be a Welsh identity tick box. That is part of the national identity question that we are testing in May to see how it works.

[14] **Mick Bates:** I am pleased to hear that; thank you for the report. I have a couple of questions on process and then a detailed one about the content. How quickly will you be able to publish the information that you gather from the 2011 census? Also, as the census has become more accurate, and drills down to the individual level, is there any conflict with regard to individual privacy that may arise with the availability of this type of information and drilling down to it? My point on the content of the questions, at which I hinted before, is that we often have a problem in identifying people who would like to leave their home, who are often young people. This is part of our latest report on youth homelessness. It is difficult to identify people who would like to leave their parental home and cannot, often because of affordability and a range of other issues. Have you ever considered including a question to identify those people who require a home, but who are still in the family home? I hope that I made that last point clear.

9.40 a.m.

[15] **Janice Gregory:** I wonder how you would word such a question.

[16] **Mick Bates:** I have thought of things, but I wanted to hear Ian's advice.

[17] **Mr White:** I will respond to those three points.

[18] **Janice Gregory:** He probably wants you to say the wording as well. [*Laughter.*]

[19] **Mr White:** On the timing of outputs, we have not developed an output programme yet; until we decide what our questions will be, it is premature to start thinking about outputs. However, a general strategy is that we do not anticipate being able to publish the statistics that much earlier than we did last time. Having said that, we are negotiating with our contractors, who will be processing much of the data; we have not concluded those contracts yet, so we do not quite know what the processing timetable will be. However, we have made a commitment to put more effort into quality-assuring the data before we publish it, which, obviously, takes a certain amount of time. We will not be calling it a one-number census next time, but we will be doing some quality assurance and coverage assessment, to fill in the blanks that the census will inevitably create.

[20] Therefore, we will be using as much available time as possible to quality assure the data, but we hope to process the data more quickly. However, the statement that we have made is that we do not anticipate being able to publish the statistics any more quickly, overall, than we did last time. We have a commitment to try to publish the initial head counts required for the population estimates purposes, so that rate support grants can be given to local authorities, to a particular timetable, which we hope to meet. It will be the same timetable as last time. Therefore, we hope that the first results will be out at the end of the year after the census. However, on the complete programme timetable, which, I believe, concluded in 2004 last time, there is not a schedule that will advance that in any great detail.

[21] **Mick Bates:** I was pleased to hear you mention quality assurance, because there was some difficulty in tracking the more mobile parts of the population last time. I think that was it in Manchester that it was 50,000 out—it was in one of the cities. What are you doing to ensure that, in your quality assurance, you have accurate figures? Secondly, on this timescale, it seems to me that three years after having gathered the information is a long time, and that time lag causes me concern. Why does it take that time to get the full details out?

[22] **Mr White:** On quality assurance, you are right that we have difficulties in reconciling the census figures with the roll-forward population estimates in places such as Manchester and Westminster, and, to a certain extent, Cardiff. That is being addressed through two main issues. First, we hope to create a much more effective address list than before. One issue that we had in 2001 was that we did not have a definitive address list in order to know that everyone had received a census form, nor did we have a particularly robust means of tracking the census forms in the field. Therefore, not only did we not know whether we had sent the census forms to everyone, but we did not know, accurately, whether all those forms had come back.

[23] We are addressing those issues in two ways. We will look at posting out census forms to an agreed address list, which we hope that we will agree with local authorities, so that we have an agreed enumeration base. Using Postout, we will then know whether forms have been sent to those address lists. Part of the problem last time was that we had enumerators in some parts of the country who did not effectively cover their patch—at least, we believe that that is the case. There are difficulties with the postal service, which I will leave to one side, but if we have an effective address system, an agreed address list, and an efficient postal service, then we can at least monitor where forms have gone. Therefore, I hope that that will address some of the issues about poor-quality enumeration.

[24] On outputs, there is pressure to get the outputs out earlier. The more complicated and detailed the user-specified tables are, the more time consuming it is to do. We have not yet decided whether we want to produce the sets of pre-set tabulations that users asked for last time or whether we can provide data in a much more flexible way, from which users could create their own data. If we can go forward in that way, it could be that that data could be available earlier. The tabulation process could be simplified. I am just not in a position to say that we can bring forward the tabulation programme any quicker than we did last time. Our statement at the moment is that it will be produced by the same general period. We will be looking to bring forward the end date, but I think that we will be putting as much, if not more, effort into quality assurance and that takes a certain amount of time.

[25] We have had, and we continue to have, offers from local authorities saying, 'We can help to quality-assure your data; if you give us the figures, we can tell you how accurate they are'. That, in itself, would create a time lag, because if there was a dispute, what would you do? You cannot do the census again, so what would you do with the data? We take the line that we undertake that consultation before, rather than after, the census because if there are disputes, you cannot resolve them afterwards: the census cannot be redone. The census is the census; it is either good or it is not. We hope to get that discussion about quality agreed beforehand. We will undertake quite an intensive quality assurance process, with a census coverage survey, which will help to fill in the gaps. That, in itself, takes a certain amount of time. Many countries do not do this at all. Our timetable for outputs does not put us at much of a disadvantage, compared with other countries. We do far more than many other European countries, for example, in terms of quality assurance and adjusting the census counts and that takes a certain amount of time.

[26] There was a third point, which I think that I have jotted down. You talked about drilling down to the level of individuals. The census never gets down to the individual level. In terms of the lowest geographic level for which we provide outputs, we do head counts at postcode level, but no disclosive information is released. We have a statistical disclosure policy to protect the identity of people and releasing any information about individuals. The census has never been interested in individual data. We publish output area level data only. Our disclosure control measures protect any data that are likely to be disclosed. We are not interested in individuals at all.

[27] **Mick Bates:** What about hidden homelessness?

[28] **Mr White:** We make attempts to try to capture information on persons who are sleeping rough, but that is not the issue that you mentioned. You are talking about people who are at home, wanting to leave, and using the census to provide some sort of measure of what sort of additional housing we need. We collect information on housing and the age and family relationships of the people within housing. The Department for Communities and Local Government is responsible for making household projections. As the Chair suggested, it might be difficult to devise a question that anticipates intent and what people are going to do. It would be very difficult to word that question. To my recollection, I do not think that we were presented with a strong case, even from the housing departments in Westminster, for that sort of question. The analysis of the structure of households and the ages of the people in them acts as a good proxy for that. If you have a 32-year-old unmarried male living in a household, one can anticipate that there is potential housing demand there. That is the sort of analysis that the housing departments use to project future housing needs rather than relying on a decennial attitudes question. The census tries to avoid questions for which there are no precise answers. So, we have not considered that.

9.50 a.m.

[29] **Leanne Wood:** In a previous discussion in the Committee on Equality of Opportunity, Stonewall raised questions on the gathering of data in relation to sexual orientation. At that meeting, various difficulties with gathering that information were mentioned. What is the latest position on that?

[30] **Mr White:** The ONS has released a statement, and we had discussions with Stonewall before doing so. The national statistician did not feel that the census was the best vehicle to collect information on sexual orientation, but recognised the need for that sort of information for equality monitoring purposes and has made a commitment to introduce such questions in national surveys. So, the short answer is that it will not be in the census, but ONS recognises the need to collect this information. It is a question of developing suitable questions to put into national surveys.

[31] **Janice Gregory:** I do not sit on the Committee on Equality of Opportunity, but I was going to ask the same question. I appreciate that such questions could go into a national survey, but that would not gather the necessary amount of information—or am I wrong? I am quite happy for you to tell me that I am incorrect but, surely, more people would be reached if that information were gathered for a census than would be the case if it were for a national survey.

[32] **Mr White:** You are absolutely correct. The value of the census is that it allows comparable data at a small-area level, so if you need data at the smallest output area level—around 200 or 300 people as opposed to the whole population of a ward or a local authority area—the census is the only vehicle that can do that. National surveys generally do not produce data even at ward level but they may do at local authority area level and certainly at regional level. So, you are correct about the census and that having a question only in a national survey will not produce small-area statistics. However, that has to be balanced against our current concerns about the effect of a census question in terms of the burden on the public, when the question is not relevant in all cases.

[33] Furthermore, relative priority is given to the other questions. I think that somewhere in the report, it states that we potentially have six pages of questions argued for, and we only have room for three at the moment. So, those two arguments are the main sides of the balance that we have to consider. The concern is that the acceptable wording of the question has not been developed. You can compare it with other questions that sometimes take 10 or 20 years to get into the census. It is not only about recognition of the need for them; it is also about getting a successful wording. If the wordings of questions can be developed through national surveys, then there may be a greater opportunity to introduce them in a census in order to get lower-level data. However, we are not at that stage at the moment.

[34] **Laura Anne Jones:** I just want to ask a quick question; I am only young, so please bear with me because I have not had to fill in one of these forms yet. Forgive me, if it is written here, but what about those who are unable to read or write or are visually impaired and that sort of thing, how do they deal with the census?

[35] **Mr White:** We have are having discussions with organisations such as the Disability Rights Commission and others who have experience in preparing materials for people with reading difficulties and there is no easy answer.

[36] The census form has to be written in a pretty standard way in order for the responses to be made specifically and consistently, but we are producing a certain amount of publicity and information material to accompany that, for example in several different languages to help people whose first language is not English or Welsh. We are taking advice on how that material can be presented in a visual way, with cartoon characters, visual pictures, graphics and so on, in order to help people who may have reading difficulties. We are also looking at developing our community liaison programme to try to identify where additional resources may be needed to help people, for example by calling on them and recognising these things on the doorstep, so that additional material can be sent to them. The call centre that we will be setting up will take phone calls and the people there will help as much as they can, but that will require people to know whom to phone. It is a vicious circle, but we will be producing explanatory material in a visual form. The form itself cannot be in any other form than that prescribed in the—

[37] **Laura Anne Jones:** What you say about language is fantastic, but it seems to me that if you are going to get as accurate a census as possible, things will have to change. These days, we need to take account of the needs of those who are disabled and visually impaired, for example, and, I am sorry to be brash, but I do not think that it is good enough not to have some sort of form for them to fill in or some sort of way for them to contribute to the census. There has to be a way around it. I am sure that this committee and the Committee on Equality of Opportunity, particularly, would be interested to see your plans for how you are going to get around this, when that will be and what the cost will be. Could you send that to us in writing?

[38] **Mr White:** We can certainly set out our publicity strategy in more detail. In the test, we are developing the sorts of aids that we had in the last census, namely to have the publicity and explanatory material available in various formats, such as large print, Braille, and audio. We did that for the 2001 census and we propose to do it again for the 2011 census. The difficulty is preparing the forms in a variety of media, while knowing that they have to be processed in a standard way. The compromise at the moment is to produce as much explanatory and helpful material, including the questions, set out in the various languages, in large print, and in Braille, if requested, so that the person can then translate, for example from the large print version, to the form itself. That is the strategy that we are adopting, and we are quite willing to set that out for you.

[39] **Janice Gregory:** If we are completely honest, a collective groan probably goes around the country when the census form arrives on doormats. I understand what Laura is saying about people who perhaps have difficulties in reading the form and in filling it in correctly, and there is always this worry about having to do it. Anyone who is involved in tracing a family tree now understands the usefulness of having the census data available and of being able to trace it back. My concern is about reaching the hardest-to-reach communities, which are the communities that this committee, in particular, is concerned with. With regard to the address list—I suppose that you think that we are asking you to reinvent the wheel—that is issued by local authorities, some of us would have concerns that they do not reach the communities that we want them to reach. What thought has the Office for National Statistics given to that issue?

10.00 a.m.

[40] **Mr White:** We are very much aware of that, and we have a number of census advisory groups set up in the Office for National Statistics, one of which involves users in Wales. Our diversity advice group is focused on getting the message of the census into the communities and getting the data out from communities. We have people on that group representing the Disability Rights Commission, the Commission for Racial Equality, the Royal National Institute for the Blind and several organisations that represent the disabled and what you described, Chair, as the hard-to-count communities. We have a community liaison programme focusing on getting national organisations that are responsible for, or have an interest in, these groups to have an input into the census. So, we are aware of the difficulties. We may not always have all the solutions, and I quite appreciate your comment about the groan that goes up when the census comes round. We have the problem of counting these people; we are fully aware of the difficulties, but we are making a visible effort to reach out to the communities through these organisations in a much more focused way than we did last time.

[41] **Janice Gregory:** I am a huge fan of public information. We all appreciate the difficulties of getting information out to hard-to-reach groups. In my constituency, there are voluntary sector organisations that would be more than happy to assist someone who has difficulty filling forms in. These are not forms for applying for benefits or even a postal vote; they are census forms that require people to enter factual information. So, I am just wondering whether the ONS has thought of that type of publicity campaign—I do not, for a second, mean one that would incur huge costs—so that, for example, a pensioner who receives a form could ring Age Concern and someone there would be happy to go out to help them. I can think of lots of elderly people who would not necessarily contact Age Concern to get help with the census form. Perhaps we all need joined-up thinking if we are serious about collating these data.

[42] **Mr White:** That is a very good point. Some of the organisations that we talked to have offered this sort of service. Obviously, we involve organisations such as Citizens Advice Bureau, and we will have our own call centre. However, that is not to say that local authorities and local communities cannot help. To quote another example, I was discussing this with representatives of the Sikh Federation in Birmingham only a few weeks ago. That organisation offers a similar service; it offers to help not only Sikhs, but Kurds, and anyone who comes along. It has authority from Birmingham City Council to help people to complete housing benefit forms and so on. It acts as an agent to do that, and it has offered to do that for the census—not for free, I might add; it is only fair that its costs for offering this service should be reimbursed. We have no budget for that sort of thing at the moment, but it is certainly something that we are considering.

[43] Another issue, as far as the census is concerned, is that we have to be very careful about disclosure of information. The assurance is that confidentiality is kept and that nobody ever sees the form, other than authorised people. I know that it is good that organisations are helping people who ask for help with filling in the form, but we have confidentiality issues to deal with. For example, anyone who sees a form has to sign a formal declaration, under the terms of the census regulations; that means that they are bound to secrecy. There are issues associated with that that we must develop before we can announce that such plans can be implemented. We would have to be satisfied that confidentiality would be maintained.

[44] **Janice Gregory:** Just so that I am clear in my mind, am I right in saying that it would not be prudent for us, as Assembly Members, to put out a press release telling people to contact, for example, their local Age Concern office, if the issue of confidentiality has not been addressed to the satisfaction of the ONS?

[45] **Mr White:** We would have to be very careful about how we publicised the help that organisations such as Age Concern, the RNIB and Citizens Advice could provide. It is being considered, but we must think very carefully about how we would word it. It is not being done to any great extent in the test, I might add. The test has not been designed to assess such measures, because they are disparate areas, and they do not cover the whole country, so it is difficult to focus publicity on that.

[46] **Janice Gregory:** It is under consideration, though, is it?

[47] **Mr White:** It is certainly something that we are considering, but it would be premature at this stage to ask Age Concern to be involved to that extent.

[48] **Janice Gregory:** I was not picking on Age Concern or trying to publicise it more than any other group; it was just an example.

[49] **Mark Isherwood:** If I may, I will just briefly revisit the issue of response rates, which we discussed in the Committee on Equality of Opportunity. There is a broad debate in society at the moment about the extent of the data held by Government about citizens, and some people may be reluctant to return the form as they feel that the information may go into some giant Government database. How will you communicate the assurance of confidentiality that you have just given us to the people who receive the forms on their doorsteps? What measures are available to you to encourage, incentivise or penalise those who do not return their forms?

[50] **Mr White:** The ONS's record of giving assurances of the census's confidentiality is quite good. Generally, despite a broadly and increasingly cynical public view, people accept that their information is confidential, but I cannot disagree that, against the background of identity cards, which may be introduced before the next census, it will be harder for those assurances to be believed. We will give complete assurances, backed by the law, including the Census (Confidentiality) Act 1991 and the data protection Acts, which protect the information that is collected in the census. There are very few instances of census confidentiality being breached to the extent that people's identity or details are disclosed. We will enforce that message, but you are quite right that increasing public non-response is often due to the fact that they do not trust the Government to keep their data safe. At the time of the last census, we had issues about giving information to Europe, for example. Remember, the census was conducted during an election campaign, and so it became a bit of a political football. We can give assurances that no personal data are ever disclosed; only statistics are made available to whomever. That, I think, is the message, and we can only strengthen that—we will probably need to strengthen it as the public tends to become more cynical.

[51] We do prosecute people who disclose information unlawfully, and they are very few, as I said; we also try to encourage response by threatening prosecution. As I said at the Committee on Equality of Opportunity meeting last week, it is very difficult to get the balance right. We dangle the carrot rather than wield the stick. We do not want to overstress the fact that we prosecute as we do not want to give the wrong message, but we do stress the statutory and mandatory nature of the census, and we do prosecute using non-compliance procedures in the field, if necessary, to take matters to court. We do stress those, but we do not like to overstress them.

[52] **Janice Gregory:** Thank you very much. Nobody else has indicated that they wish to speak, so we can draw this item to a close. Thank you both very much for attending committee this morning. We look forward to the outcomes of the ONS's deliberations. You are more than welcome to stay for the next item, but you may also leave if you want to.

10.09 a.m.

Stonewall Cymru

[53] **Janice Gregory:** I am now delighted to welcome Liz Morgan, the acting director of Stonewall Cymru. Thank you, Liz, for the publication that everyone has received. I hope that everyone has had a chance to look through it, as well as the background paper that you have kindly supplied to us. When you are ready, Liz, please make your presentation.

10.10 p.m.

[54] **Ms Morgan:** Thank you for the invite, Chair. I hope that you all received a copy of the additional documents. I see that you did, so that is good. You have received all the bits of information that we sent. This is a bilingual publication that Stonewall has produced, and it is easy for housing providers, or anybody with an interest in housing issues, to have a quick look at. There are some bullet points that save you from wading through the whole of this rather full report, so you may want to check those first.

[55] When I accepted the invitation to come here, I think that I was a bit naive; perhaps I should have thought about it and brought a colleague from Triangle Wales along, too, because we worked in partnership with Triangle on this research, and, after all, they are the housing experts. So, if you have any really probing questions on housing, please bear in mind that I am not a housing expert, though I will do my best to answer any questions that you have. It might also be an idea at some point to get some feedback from Triangle, perhaps a written paper or something of that sort, on the progress to date on this report.

[56] **Janice Gregory:** I do not think that there will be any hugely probing questions, but you are quite right about Triangle. It did cross my mind to invite them, and it is my fault that that did not come to anything. I attended an excellent presentation from Triangle in the old Milling Area a couple of months ago with the Minister. I apologise to Members, so we will just look for an overall view from you, Liz.

[57] **Leanne Wood:** First of all, the research is to be welcomed. I think that having some figures to show how much homophobic harassment, for example, is out there is key for policy development. That has been borne out by my constituency casework; I have had a couple of cases in which it was a huge problem.

[58] I want to pick up on this point about zero tolerance towards hate crime, by asking what it actually means. My concern is that the phrase 'zero tolerance' is just bandied about. It has come from New York, and it tends to mean taking a very punitive approach by locking people up and dealing with them quickly, with quick justice and so on. If, as this research has shown, the majority of people committing homophobic harassment are young people, the potential to change their attitudes is great, because they are young and their attitudes are not yet fully entrenched—unless, of course, they go to prison, where such attitudes can become fully entrenched. Young people are often sent to prison for short sentences and can come out more criminally minded than they were when they went in. So, I am a little concerned about the use of that phrase 'zero tolerance'. I wonder what your thinking is on having some kind of hate-crime strategy, because it is not just homophobic crime that affects our communities, but also racist crime, sexual and violent crime, and so on. As an alternative to taking the zero-tolerance approach, such a strategy could involve creating more educational programmes in schools to challenge such attitudes, finding alternatives to custody, and investing more in social services departments and youth offending teams, for example. I think that that would have a far more beneficial effect on society as a whole in the long term. You would not get the headlines, 'So-and-so banged up', and there are issues around victim satisfaction in those situations, but, if we went down that road, I think that we would have a better chance of changing people's behaviour in the longer term.

[59] **Ms Morgan:** That is a point well made, and I do not think that the zero-tolerance idea was meant to come over in the way that you suggested. I think that it just means that we want homophobic harassment and discrimination to be taken seriously, to give it that sort of weight, so that is what it was intended to convey. I totally agree with you that education is where we should start. We should start with schools, and Stonewall Cymru has always said that. That has always been our line, and still is. As you know, in our Education For All campaign, we work to try to raise awareness and generally to move towards eradicating homophobic bullying—or any type of bullying or discrimination. I also welcome the move towards mainstreaming the consideration of issues of discrimination of all types, and I take on board what you say about discrimination across the board. I had not even picked up on the fact that the phrase 'zero tolerance' might come across negatively, and so we will need to follow that up. I will also make Triangle Wales aware of that, to give the message that we do not mean that we will go after people to get them 'banged up', as you said; we want to educate people first and make them aware of the issues, of why they are treating people like that, and to try to change their attitudes by working in that way. We are not about trying to chase people and get them into prison.

[60] **Mick Bates:** Thank you for the report. I welcome what you just said, but one of the biggest difficulties is often the hidden prejudice, which is difficult to monitor. Can you tell us a little about how you will act on the report and ensure that the monitoring process includes real equality issues surrounding prejudice about lesbian, gay or bisexual people? At the moment, much of the prejudice is still hidden, and I am concerned about how we will establish a robust system that enables people to see exactly what is happening.

[61] **Ms Morgan:** We continue to say that monitoring is crucial, and that it is not just about getting numbers; it is often a mistake to concentrate just on the numbers. We need to monitor every point of the process, from referral, when someone comes looking for housing, right through to the waiting lists and to their being allocated a house. We need to know, because that will give us the information. If we monitor LGB people throughout that process, we will see a pattern. Is there any discrimination here, or is there any difference in how LGB people are treated? Stonewall Cymru keeps banging on about monitoring being important, and that was why I disagreed with my colleague from the Office for National Statistics about inclusion in the census data. It is crucial that we get recognised as a community, if you like. So, as far as monitoring goes, we do not have any enforcing powers, and so we would look to the Welsh Assembly Government to do that, using whatever powers it has at its disposal, whether to influence the Wales Audit Office, to direct social housing providers, or whomever, to ensure that they are monitoring rigorously and evaluating regularly. We would make that point time and again that that is the only way to make progress.

[62] **Mark Isherwood:** Who do you think should carry out the training that you propose? Many housing providers, local authorities particularly, feel as though they are being asked to take a lot of equality training on board, among other things—which I totally support—but, at an initial stage, how would you feel about a joined-up initial equality training package combining all the different areas, particularly race and disability? The British Deaf Association, the race equality networks, and so on are all campaigning for equality training, so could something be put together as a joint message to raise awareness by the providers? The race equality networks, where they exist, work primarily with housing associations, so could you open a dialogue with them about some form of joint provision for housing associations?

10.20 a.m.

[63] The third key provider in the chain is private landlords, so what discussions have you or Triangle had with private landlords and how receptive, or otherwise, have they been to this agenda? Finally, what experience have you had overall with police forces where there have been issues of harassment, bullying, and illegal acts? Is the situation improving and is the response equal across the forces or are there better practices that others can emulate?

[64] **Ms Morgan:** I will try to remember those questions.

[65] **Janice Gregory:** Do not worry, we always get a list from Mark, so we will remind you.

[66] **Ms Morgan:** On training, as you might be aware, Triangle has received some funding to take forward a training programme throughout Wales. I think that Mr Bob Lloyd from Trothwy will be seeking a meeting with the Minister on that issue. So, I am not entirely sure what stage that has reached, but the latest information that I have received is that Triangle has funding, is developing a toolkit, and will then employ outreach workers who will deliver training to housing providers and staff across Wales. Other than that, I do not have any more up-to-date information. However, I agree that joined-up training is very good. Most of the housing providers seem to have some diversity equality training. In many cases, it might just refer to LGB issues, but it does not deal with them in any depth. With a joined-up approach, it is a good idea that LGB issues do not get lost somewhere and that LGB people are just mentioned as a disadvantaged group, while people concentrate on issues of race or disability. We need to be mindful of that when we engage in joined-up equalities training, because that has been our experience so far and that can happen. However, I am, of course, all for it in principle.

[67] There was a question about Triangle's involvement, but I forget what that was regarding.

[68] **Janice Gregory:** It was regarding private landlords.

[69] **Ms Morgan:** I think that you may have to ask Triangle what it is doing. I am sorry, but I am not aware of exactly what it is doing at the moment with private landlords. As I said, we are not a specific housing specialist, although we obviously work with partners like Triangle. We have a million and one other things that we also work on, so, I am sorry, but I cannot answer that question.

[70] **Janice Gregory:** We will write to Triangle, Mark, to pose the question.

[71] **Mark Isherwood:** We will write through the Chair.

[72] **Ms Morgan:** Thank you.

[73] I cannot say anything specific at the moment on the question regarding police forces across Wales, but I went to a meeting yesterday and we have some early findings from the Stonewall Cymru all-Wales 2006 survey, which is a far fuller survey than we have ever done before. It covers housing and education issues, as well as the police, crime and criminal justice. So, while I cannot let you have any of that information at the moment, you will have a full picture later this year with regard to the situation relating to homophobic bullying, homophobic discrimination and so on, and also the relationship with the police and the Crown Prosecution Service and so on. That will give you some detailed information about what is happening in different parts of Wales with regard to the criminal justice system.

[74] On that note, the theme of Stonewall Cymru's annual conference on 31 March is tackling homophobic hate crime, side by side. That says that the LGB community will be working with the police, the CPS, and with all of the other community safety partners to stamp out homophobic hate crime. There will hopefully be a lot of information coming out of that conference and there will be people there talking about their real-life experiences, saying what it is like in rural north Wales, or wherever, and talking to the police about the way that they have been dealt with. There are some good things coming, and we will gladly furnish you with that information, as and when we have it. Is that okay for now?

[75] **Janice Gregory:** That is fine, thank you. For Members' information, I will write to Triangle and ask the question about private landlords. I will not ask you, Liz, because it is not fair to do so and it is better for Triangle to address this, but I would like to know what involvement the Welsh Local Government Association has in terms of training its officers. Looking at the paper that you supplied, at the bottom, it gives the example—which is just typical—of a homelessness officer saying to a young gay man who has been ejected from the family home:

‘Can't you just stop being gay and go back home?’.

[76] That just about sums the issues up. You are right that it is essential that training is given on all sorts of issues—I do not sit on the Committee on Equality of Opportunity, so I am unable to voice that there, but I will do so here. It is essential that we do not just pay lip service to this portion of the training. You are right that we need to be careful that it does not get lost in what a particular local authority would deem the bigger scheme of things. However, I will write to Triangle on that.

[77] I am sure that all of us as committee members were supplied with the report—I went to its launch in October, so I received my copy there—called ‘From outside to inside: how housing services can meet the needs of lesbian, gay and bisexual people’. Was that what the report was called? I do not think that it was, was it?

[78] **Ms Morgan:** That was the Stonewall leaflet; the actual report is called ‘The housing needs of lesbian, gay and bisexual (LGB) people in Wales’.

[79] **Janice Gregory:** So, it was the leaflet that you supplied?

[80] **Ms Morgan:** Yes.

[81] **Janice Gregory:** If there is anyone in your group who did not receive this, because they do not sit on this committee and did not go to the launch, I suggest that you speak to the staff of the secretariat who will get extra copies from Stonewall or Triangle, because it was a joint report.

[82] No-one else has indicated that they want to speak, so thank you for coming, Liz. As I said, I should have thought about Triangle, so I hope that I have not offended that organisation; perhaps it can come in at a later date. However, thank you for the report and for answering the questions.

[83] We will now have a break, and will start again at 10.50 a.m..

*Gohiriwyd y cyfarfod rhwng 10.28 a.m. a 10.51 a.m.
The meeting adjourned between 10.28 a.m. and 10.51 a.m.*

**Safonau Masnach Cymru
Trading Standards Wales**

[84] **Janice Gregory:** Welcome back. If anyone switched on their mobile phone, BlackBerry or pager during the break, please ensure that it is now off.

[85] I am delighted to welcome Dave Holland from Cardiff Trading Standards. Dave will give us a presentation on Consumer Direct. We discussed having someone in to talk to us about this, so I am pleased that we have been able to fit this into our agenda. Dave will tell us how this all works, and how it can work across Wales. He has also presented us with a paper, which has been circulated to committee members. Therefore, without further ado, Dave, I invite you to make a presentation.

[86] **Mr Holland:** Thank you. Good morning. My paper is set out in three parts. It tries to tell you why Consumer Direct came into being, how it now operates, and perhaps the benefits that it provides to consumers, and, lastly, where we believe it is going.

[87] The origins come from 2003, when we were doing surveys with Welsh consumers, asking them what they knew about their consumer rights, and, if they had any difficulties, where they would go to get help. In 2003, it looked a little like the six nations' table—we were rock bottom, and at the bottom of the pile. Welsh consumers were the least well-informed in the UK, and had least idea of where to go for help should they have needed it. The situation was not helped by the fact that some local authorities ran well-resourced, good-quality, Quality Marked advice services—Cardiff and Rhondda Cynon Taf are two examples—whereas others just provided a basic service. Therefore, you had a postcode lottery—where you lived determined the quality of help that you could get.

[88] As a result, the Department of Trade and Industry—which still reserves the trading standards function—determined that the best way to address this was to set up a nationwide call centre, namely Consumer Direct. It proposed that the best way to do that was to put 11 centres in place—nine regional centres in England, one for Scotland, and one for Wales. It asked the local authorities in Wales to get together to select a local authority to take the lead and deliver that service for Wales.

[89] Therefore, we had a beauty contest, if you like, which I managed to win, which was a bit surprising. We came together with a proposal to set up a bilingual call centre for Wales, to deal with first-line consumer advice inquiries. We chose not to get into anything more complex at that time because we could not have put it together in a contact centre. In 2004, we had a bilingual contact centre in place that could handle consumer advice queries over the telephone. That service went live in September 2004 and since then we have handled almost 250,000 queries from Welsh consumers. Some have been in Welsh, some have been in English and on the day that the centre opened, when we had the Minister for consumer affairs there, a call come through from a lady who wanted to make a complaint in Spanish, believe it or not. We had an adviser there who was fluent in Spanish who was able to handle the call, which was quite impressive. [*Interruption.*] She did it, it was true. We were all ready to go, the Minister was there, and we were thinking, ‘Oh my goodness’, but the adviser coped with it. It was terrific.

[90] The arrangement that we have in Wales is unique across the eleven call centres, because this is a partnership between the 22 local authorities of Wales, through Cardiff. We have a contract with the Department of Trade and Industry, which is due for review in 2010. Every local authority has agreed to transfer its main telephone advice line to Consumer Direct. The reason why I say that the arrangement is unique is that while other regional centres are operational, none of them have 100 per cent buy-in; in Scotland, about 75 per cent of the authorities transfer their calls, and in the south-east, I think that it is about 85 per cent. In Wales, we have 100 per cent buy-in and I think that that is a demonstration of the commitment of the 22 trading standards services to improving things for consumers. The centre is in Cardiff, in Marland House, discreetly located above Burger King. The next time that you come out of Cardiff central train station, remember that we are above Burger King in a fairly non-descript building. However, inside, it is quite a high-tech call centre. The offices are open to calls between 8 a.m. and 6.30 p.m., Monday to Friday, and on Saturday mornings. That is a massive increase in terms of accessibility: traditionally, council advice centres would have been open between 8.30 a.m. and 5 p.m., so we have extra opening hours. We have 25 agents who are able to take calls in English or Welsh—

[91] **Janice Gregory:** Or Spanish.

[92] **Mr Holland:** Yes, or Spanish. On our abandoned call rate, we are finding that whereas before we would lose one in six calls because we did not have the capacity to deal with them, our abandonment rate is now less than 1 per cent. So, if you ring Consumer Direct, the chances of your call being lost are pretty non-existent. So access has improved. We also have a website available and people can go to that website and download information. They can make structured e-mail complaints to the centre, which are responded to within 24 hours. So what we have now, in terms of provision of front-line advice services, is a terrific advance on what we had in 2003.

[93] The second part of my paper goes on to talk about the trading standards service because what we have found is that while the volume of basic rudimentary inquiries is now being handled by Consumer Direct, its success in raising people's awareness of their rights means that we are getting into a lot more complex situations. People are now starting to buy things over the internet—if you think back to three years ago, would any of you have bought anything over the internet? Today it is commonplace to purchase your groceries, your Christmas presents and so on over the net, so we are into new and more complex situation. The trading environment continues to change, so the number of queries that trading standards handles has dropped, but due to their complexity, the time that we need to resolve an issue has increased.

11.00 a.m.

[94] Where Consumer Direct has benefited consumers is, because we are able to take away those basic inquiries and give our local authority advisers more time, they can spend more time resolving those complaints, taking people going into the county court and holding their hands, for example, and making a difference in that way. Previously, we would have just said, 'Well, what you need to do is x, and best of luck'. Now we are able to champion their rights in the county court and we are seeing our redress figures rocket. The level of redress that we are obtaining for consumers through different regimes, such as the county court, and through arbitration and mediation, is well into seven figures. We have got the time to do it, which is why we are making a big difference.

[95] The last line on page 1 states that it has never been so good, but the marketplace is becoming more complex and perhaps what I need to stress is the role that trading standards continues to play behind the scenes in championing consumer interests. Consumer Direct is our shop window, and is able to resolve 70 per cent of our inquiries, but the remaining 30 per cent are becoming more complex, day in, day out. They are typically the type of things that you may see on BBC television programmes such as *X-Ray* or *The Ferret*. Those are protracted disputes that we have to try to resolve.

[96] So Consumer Direct, to my mind, is a big success. However, at the moment, we are uncertain about funding; the funding from the Department of Trade and Industry will last until 2010 and, like all Government departments, it is under financial pressure. We are not clear about the long-term future and security of Consumer Direct and, because we have become interdependent on each other, Consumer Direct's success must continue if the trading standards service is to remain an effective champion of consumer interests. If the funding for Consumer Direct were to be reduced or were to disappear, then local authorities would have to refocus some of their resources back towards front-line advice. That would present something of a conundrum.

[97] However, the future seems a little brighter in that the DTI is now considering taking on board other regulatory services and incorporating them into Consumer Direct. It has this vision of something called 'consumer voice', which encapsulates bodies such as Energywatch and the postal services watchdog, and having Consumer Direct absorb some of their services. So, from a consumer's point of view, you have a better chance of avoiding the run-around and of finding one number to resolve a query, whatever its nature. We are moving towards this all-encompassing consumer helpline, which is very positive from the consumer point of view. However, from a trading standards point of view, I have heard colleagues express concern that perhaps, in terms of our skills and ability to deal with consumer queries, our knowledge will become diluted. However, I am sure that we can resolve that.

[98] Three years ago, my colleagues were telling me that Consumer Direct was the end of the trading standards service, and I said, 'No, trust me', and I think that I have proved my case. The quality of individuals there is superb. We have lost half of the Consumer Direct staff since we started, and all have joined the trading standards services or the Office of Fair Trading. So, we are growing professional officers for the future in a contact centre. It is a very different centre; it is a knowledge centre and not just one for dealing with a query, pressing a button and putting the phone down. These people help others to resolve problems.

[99] To summarise, I think that Consumer Direct, particularly in Wales, is a success. We have the highest satisfaction levels of all of the regions across the UK, and Wales is being held up as the exemplar for running these things. The other point that I should have made is that in the last two years, Cardiff has held the national database for these complaints and we now have a database of around 2 million consumer inquiries. That is helping us to identify rogue traders and hotspots of particular concerns. Big businesses like Dixons and Currys ask us to look at our database and find out where their problem stores are. If they have a particular problem in a particular area, they can tie it down to a regional manager or his team. It is also helping policy development. For example, the Welsh Consumer Council, which is one of our stakeholders, is very keen to start to mine this database to understand how shopping patterns are changing, whether certain social groups are suffering as a result of marketing practices and the like. So, the potential for that database is enormous and can feed policy development in a range of social justice areas.

[100] **Janice Gregory:** That is marvellous. Thank you for giving a comprehensive run-down on what Consumer Direct is and what it does. Members have indicated that they want to comment. Mark, you indicated first.

[101] **Mark Isherwood:** You referred to the 70 per cent of people whose concerns you can help to settle upfront. However, concerns remain about the other 30 per cent, who are often the people with the greatest problems and perhaps the most vulnerable people in many respects.

[102] With regard to the expansion of your brief to cover utilities and so on, you say that you are confident that that can be resolved. That causes me great concern, especially given the representations that I, and others, I am sure, have had from Postwatch, Energywatch, and the Welsh Consumer Council. Last week the Consumer Council for Water Wales was in the Assembly, and although it is not in the initial tranche to go in with you, it may well be up for incorporation in two or three years' time, and it understands that.

[103] I have a number of concerns. One is the time lag, because the new structure will have three legs: you will be the window, and you will settle 70 per cent of cases, then there will be some form of ombudsman scheme, and, finally, an arbitration scheme. However, if people currently approach a sectoral energy body, for example, they will get expert advice that joins up all those functions. The concern is that there could be quite a time lag between someone approaching you and then moving onto the next stage. How will we address that, so that those people with the greatest problems and those most vulnerable to energy problems will get help promptly, with no sliding off in service?

[104] How will you maintain sectoral expertise? The bodies are very concerned about that—they know that their sectoral expertise has been critical to service delivery. I know that you are not a politician and you have to comply with the system as it is, but what reassurance can you give, particularly given the comments that you made about the short-term funding? You only know that you are funded until 2010. Some people in the bodies that will be disappearing are concerned that this might be driven by the desire to reduce the overall cost in running the separate consumer bodies, rather than maintaining that investment and using it to provide a more joined-up service.

[105] **Mr Holland:** On the first issue, I have heard those concerns. I regularly meet Wendy at Energywatch in Cardiff. Energywatch, the Welsh Consumer Council, Citizens Advice and the Welsh Local Government Association are all part of a stakeholder board for Consumer Direct Wales. While I am part of the operational management team and make day-to-day decisions on the provision of services, we set up an advisory board of stakeholders to sit alongside, which prompts and challenges us. In the early stages, we met on a monthly basis. We now meet quarterly, and it continuously challenges us on issues such as service delivery and impacts.

[106] The Community Legal Service Direct is an example of what we have done in Wales. At the time when the Department of Trade and Industry set up Consumer Direct, in parallel, we had the Community Legal Service Direct from the Lord Chancellor's Department. So those were two contact centres from two Government departments running in parallel, and not joined up. In Wales, we were first to arrange automatic transfers back and forth across both, which is now in place across the rest of the UK. We achieved that by sitting down and talking to each other in those stakeholder board meetings. The concerns that you voiced in the first part of your question were expressed to me three years ago, and we resolved them by pulling together. I keep hearing it said that Wales is a village, and the reason why we do things well in Wales is because we pull together and there is that common cause. The challenges are there, and we can solve those by putting together something that works for Wales, which is what we did with Consumer Direct. We had pathfinder status and we put together a service that worked for us. We did not have a solution imposed upon us, which happened in the later stages of the implementation of this in parts of England. We built something to work for us, and I think that that is the only way that we can take that forward—by talking about those concerns and ensuring that the lags that you talk about do not happen. It is a concern that even my own profession has expressed: if we are going to talk about other issues, what about the trading standards business? This is a trading standards call centre. So, we have to work through those things together to ensure that the consumers get the best deal.

11.10 a.m.

[107] If we do not expand into those areas, funding will become more of a concern. If you expand into a wider area, funding is potentially more secure. However, it is a huge challenge. I acknowledge what you are saying; we just need people to sit down and talk and make some decisions—bite some bullets and not put things off.

[108] **Mark Isherwood:** Will you be employing sectoral experts from these bodies?

[109] **Mr Holland:** At the moment, Consumer Direct has moved from the Department of Trade and Industry to the Office of Fair Trading, which is centralising control of that operation. We have a contract to provide the Welsh service, and I have seen changes in the wider environment relating to the way in which we provide that service. Therefore, you need to be posing those questions to the Office of Fair Trading in six to 12 months. You will need to ask it how it will provide the service. Although I will have an interest and will be a voice, I will not have a controlling interest in the provision of that service.

[110] **Mark Isherwood:** Are the mergers happening in October?

[111] **Mr Holland:** That is the intention.

[112] **Mark Isherwood:** Should we not have these people trained and in place, ready for that?

[113] **Mr Holland:** That would be sensible, but, as I say, I do not really know where the Office of Fair Trading is at, at the moment, as regards implementation. I suspect that October would be a little ambitious. I know how long it took to put Consumer Direct together.

[114] **Mick Bates:** Thank you for the presentation. You did not clarify the costs. How much does it cost per year?

[115] **Mr Holland:** When we achieved Pathfinder status in year one, we were essentially able to recover our costs. We were in the set-up phase in the DTI, and provided that we did not go too far overboard, it paid the costs. Over the next two years, we were funded on a cost-per-call basis; essentially, we get £7 for every call that we handle, we get another 50p if we hit satisfaction ratings, and we get another 50p because of the size of the Welsh contact centre. It is the smallest in the UK. Consumer Direct South East and the London operation cover between 8 million and 10 million people; the Welsh operation is much smaller, so we receive a contribution because we cannot achieve some of the economies of scale that the bigger centres can. The Office of Fair Trading will continue to apply that formula. If we do not hit 100,000 complaints a year, Cardiff council has to make up the shortfall; if we handle more than 120,000 complaints, we have to pay for that. They pay us within the window of 100,000 to 120,000 complaints, and that is based on £8 per call.

[116] **Mick Bates:** That lasts until 2010, does it?

[117] **Mr Holland:** Yes.

[118] **Mick Bates:** This is an excellent concept. As Mark said, it is like a one-stop shop, a front window or whatever. You mentioned the internet issues that have arisen. Internet scams are rife, and it is not an easy thing to control. I think that it is going to get worse for tickets as we get towards the Olympics. What I have found, very often, with trading standards is that there is a big variation in the level of understanding between different offices. Sometimes, if you want to close a company down, for example, for illegal trading, your local trading standards office cannot do that. I have handled a couple of cases where I have had to contact trading standards in England, where the expertise resides. In your case, how are you working with other trading standards offices, where they have particular expertise in, for example, internet ticket scams? If 70 per cent of the complaints that you deal with are dead easy, the remaining 30 per cent of complaints are the difficult ones, and it might be that only five per cent of those are really difficult. It is hard to get the expertise. How are you co-ordinating the efforts of trading standards offices to ensure that you can resolve all the cases?

[119] **Mr Holland:** There are 203 trading standards offices in the country, because they are a function of local authorities. In England, it is a county council function, and in Wales it is a unitary authority function. It is quite a challenge to co-ordinate 203 of them. We do that through an organisation called LACos, which is part of the Local Government Association and is funded through top-slicing. It is a body that sits in London and co-ordinates regulatory action across the 203 offices. We also operate something called a home authority principle, so if our internet trader is based in Cardiff, it is my role to sort him out and co-ordinate the complaints from across the country.

[120] Consumer Direct also helps us. I have talked about this national database, and we now have 2 million complaints on file. The term that they use is 'mine this database'. They can go into this database and find out whether Mick Bates has been causing problems anywhere in the country.

[121] **Laura Anne Jones:** Probably. [*Laughter.*]

[122] **Mick Bates:** I am a bit worried by that reaction. Can it be struck from the Record? [*Laughter.*]

[123] **Mr Holland:** There is an interesting example of a conservatory company in Cardiff about which we received five complaints across 15 months. As that was all that we had, it did not really trigger anything for us in terms of its being a particular rogue. When we went into Consumer Direct, we found that he had been in Bristol, Somerset and Gloucester, and there were actually 24 complaints against this guy in Cardiff. So, by mining that database, we gathered a lot more intelligence and we took action under the Enterprise Act 2002 by taking an injunction out against him. That was some 16 months ago, and we have not had a single complaint against him since.

[124] The challenge for trading standards, as you rightly point out, is in Cardiff, which is a self-sufficient authority. I pride myself on the fact that my service is one of the best in the UK, but in smaller local authorities, they only have a handful of people, and so the challenge is to work together, and in south Wales we operate in the geographical area covered by the South Wales Police and the seven Glamorgan authorities, and we do a lot of joint working and a lot of interfacing with the police on things like consumer fraud. We are also using the Proceeds of Crime Act 2002 to recover some of these criminals' ill-gotten gains. So, we are challenging those types of people. The difficulty is that they are very good at what they do. My guys are also good at what they do, and it is constantly a matter of one catching the other. We have just joined in partnership with Operation Liberal, which is a police trading standards operation that stretches from Derbyshire to Swansea, in a vein down the M4, M5 and M6 corridors, challenging itinerant traders, doorstep knockers and distraction burglars. We are joining up our services. Sometimes, however, the law is not there. I do not have the power to shut companies down—I can prosecute them and get injunctions against them, but I do not have the power to close their doors, and that is often the problem. There are phoenix companies—Mick Bates will be here today, and Mick Bates Ltd will be here tomorrow, but as a different legal entity, and the challenge, with the new Companies Act 2006, is to take them down, and until the powers exist to allow us to shut someone down, we just have to work with what we have.

[125] **Mick Bates:** I think that your analogy is a bit distracting. [*Laughter.*] The national database and the co-operation that you talked about between trading standards offices is essential, because of the increasing sophistication of the fraudulent practices, very often conducted over the internet. I am concerned about the next stage: the monitoring of your cases, as you may get an individual who is particularly good and spots the thing, becomes zealous and looks through the database to find other incidences involving the same company, but that does not seem to be standard practice. It requires a great deal of co-ordination between the 200-odd trading standards offices. Who monitors the cases, and is there a report identifying a particular area, such as ticket sales, as an area for legislation? I know that, with the Olympic trading, there will be tighter control, but who is actually doing that and monitoring the database so that you can change the law to give consumers more protection? At the end of the day, that is what it is all about.

[126] **Mr Holland:** Monitoring operates at different tiers. The Office of Fair Trading, which now controls the database, will be looking at national issues. Local authorities will look at Welsh and local issues. We are able to understand who is using the Consumer Direct database because, every month, we get information on the number of users and where they are from. The Welsh heads of trading standards, which I suppose is the body that I am partly representing today, meet on a regular basis. We have lead officers in different areas of consumer law and they are empowered to understand the issues facing consumers and to join up resources from different authorities to tackle those issues. I could give you lots of examples of pieces of work where they have identified a problem area and have put in place a solution that we think is effective. So there is a joining-up exercise at local level, and the Office of Fair Trading takes on national issues.

11.20 a.m.

[127] Right now we are looking at the way in which the Violent Crime Reduction Act 2006 has changed internet ticket sales for football matches. If we were outside the Millennium Stadium, at a designated football match, I would be with a team of police officers and representatives from the Department for Work and Pensions as part of a street squad, tackling ticket touts. The new Act, which hopefully comes into effect in April, says that I can tackle internet ticket touts. They have found a way around the existing law and that will be the case until the law changes. As that Act comes in, we will challenge them, and therefore we are now beginning to trawl the internet for ticket sales, because we will shortly have a tool to hit them with. Things are very fluid, and all I can say is that if there are issues that you are aware of, you can bring them to me to start with and I will ensure that they go to the right person.

[128] **Mick Bates:** I got one company closed down for illegal trading. It takes a lot of work to do that.

[129] **Mr Holland:** Absolutely, but it is a partnership effort with the Department of Trade and Industry's liquidators, and people like that.

[130] **Mick Bates:** Absolutely. Thank you very much.

[131] **Janice Gregory:** That is great, Dave. Thank you very much. It has certainly been enlightening for me, and if you could let us have the telephone number and the website address for Consumer Direct, that would be most useful. Thank you for coming to committee.

11.22 a.m.

Cynllun Cydraddoldeb y Gwasanaeth Tân Fire Service Equality Scheme

[132] **Janice Gregory:** You all know Chris Myant, the Director of the Commission for Racial Equality. He has come to make a presentation on the fire equality scheme. You will recall that we discussed this on 2 March 2006. Chris was not able to attend at that time, and I am delighted that we have been able to co-ordinate with Chris's diary so that he was able to come today. I now ask you to present your paper, Chris.

[133] **Mr Myant:** I apologise for the late delivery of this paper, and I hope that it is not too long for Members to take in. I think that, in general terms, we are very pleased with the way in which the three fire services responded to our approaches about a year and a half ago. None of them was doing what they should have been doing, but I think that it is fair to say that their response was rather more constructive than the response of organisations from other sectors. We were able to arrive at something that is roughly the same as that which we are trying to do with other sectors, namely, to introduce focused, clear and planned activities. We are not trying to do everything, but we are trying to do the kinds of things that can be achieved, and which will make a difference.

[134] Two big issues were drawn out, and therefore this report focuses on how people have moved forward in those areas. One issue was the question of recruitment. You do not have to look very far in the figures to see that ethnic minorities are dramatically, seriously under-represented in the three fire services in Wales. The second issue, which relates to some areas of service delivery that we looked at, is the whole question of getting a handle on the relationship between ethnicity and domestic fires. You are now more likely to die in a fire in your home than you are in a road traffic accident, and, although we do not really know this for sure, we have anecdotal evidence to suggest that families from some ethnic minority groups are less likely to understand fire safety measures, or are less likely to receive fire safety messages. Those were two areas that the services said that they wanted to work on, so we knew that we were doing something that fitted with how they were looking at their work. You need employment monitoring, because there is no point in trying to set yourself targets to change who you employ unless you know who you are employing, who is applying to work for you, and why they are not getting the jobs if they do apply. If the indication is that you are not employing enough people from certain groups because not enough people are applying, you will need to work out how to improve your outreach work, how to advertise more effectively to get the jobs known about more effectively, and so on.

[135] The plans of the three services have provided for the development of existing ethnic monitoring systems in a way that will enable them to better understand what is going on and, particularly, to better analyse the reasons why people from ethnic minority backgrounds may not be applying for jobs, or, if they do apply, why they may not be successful. Work has been progressing in that area, and you will see from the report that we are not yet there, but these were plans not just for one year, but for three years, and all the services have activities under way that should deliver significant improvements and changes this year. So, we have set out our view that there are clear progress challenges in 2007-08, and these are to consolidate the delivery of the actions that have been set out.

[136] One problem that the three services and the Welsh Assembly Government have faced is the inheritance of not particularly effective practice in the past, which was partly driven by forms, procedures, materials, computer programmes, and so on that were developed when the fire service operated from the Office of the Deputy Prime Minister. There are now action plans in place to put that right.

[137] Service delivery is covered in the report under the heading 'Schemes', and I think that it would be fair to say that one of the three services stands out very strongly in this regard. We have a full and proper report from the South Wales Fire and Rescue Service on the first year of the implementation of its race equality scheme, and it is the kind of report that we want to see every public body producing. The report sets out what it intended to do, what difficulties it found in trying to do that work, and what successes it had. Where there were difficulties, it sets out clearly the kind of actions that it now intends to take to put those matters right. It is publicly available, as you can download it from the website of the authority and the fire service, and it meets all the criteria that we are looking for. As the service says in the report, it has not achieved everything that it wanted to in that year, but I think that there are fair and reasonable reasons why that has been the case.

[138] The other services are making progress, but they have not yet addressed the issue of supervising the process in a proper way, so that those of us who have the job of scrutinising their work—members of the public or service staff—can see that senior managers are giving due regard to whether they are achieving what they say they should be achieving.

[139] We say that the progress challenge for the coming year is to ensure that the particular detailed action that is required is completed. The forms that will record ethnicity after a domestic fire incident, which are due to come in this year, must be properly set out, and adequate training must be given to firefighters on how to use them. The services must get them used and the data collected so that we can see whether there are particular problems for certain ethnic groups. If there are, we can see action set out for the next round of race equality schemes. We are interested in developing this work with the fire services, because we feel that they offer a particular model of how to address these kinds of issues, through clear risk-management procedures that will enable senior managers and public appointees to address areas of problems and difficulties.

11.30 a.m.

[140] All three services have now developed risk management plans, as required by the Welsh Assembly Government's guidance, so that is a positive step forward. However, if you look at the plans, you will see that one service stands out as having given better, clearer and more overt attention to the relationship between equality requirements and risk management, and that, again, is the South Wales Fire and Rescue Service. We will be working with the three services to try to ensure that that kind of effective attention in the document is repeated in the documented commitments of the other services, and also that the effective treatment of it in the document is translated into practice by managers, because we often have plans on paper that tend to be shelved, put to one side, or pigeon-holed. Our function—and, I hope, the function of this little session here today—is to try to ensure that it is kept out of the pigeonhole and kept at the forefront of managers' minds.

[141] **Leanne Wood:** I would like to ask one question on the point that you made at the end. How are complaints dealt with, and how would that link in with the process?

[142] **Mr Myant:** Do you mean by us or by the fire services?

[143] **Leanne Wood:** By members of the public, or by potential employees who do not get jobs and who feel as though they have been discriminated against.

[144] **Mr Myant:** That is a good question. I do not think that the commission has received any complaints for quite a while in respect of the three fire services.

[145] **Leanne Wood:** I was thinking more in terms of their internal complaints procedures.

[146] **Mr Myant:** That is probably a question that would be better asked of them. They have all set out complaints procedures, as they are required to do, but I would not be able to say how effective they are in practice. I do not want to say anything negative or positive; I simply do not know.

[147] **Leanne Wood:** To come back on that, do you not actually monitor complaints within the fire service, in terms of linking in with the equality scheme?

[148] **Mr Myant:** We would monitor those complaints only if they are reported in the race equality scheme or the equality annual report. We would monitor the complaints that come to us. It would be fair to say—and this is a point that we all have to bear in mind—that most of the problems that concern us would be circumstances in which an individual might not know whether he or she has been improperly treated. If you apply for a job and you do not get it, you do not necessarily know whether you have been discriminated against unless you know exactly who did get it and their characteristics. Most of the things that interest us will not necessarily be things that an individual would be able to complain about. We are aware that there is dissatisfaction on the part of ethnic minority firefighters that management and management systems do not give enough attention to equality. That is part of the purpose of the exercise that we have gone through, and why we want to be able to report to you on whether or not there is progress. It is fair to say that all management still has quite a bit to do to ensure that ethnic minority firefighters and other staff members feel that adequate priority is being given to these issues.

[149] **Mark Isherwood:** I have two questions for you. First of all, you referred to the fact that the statistical base is too small in south Wales to glean too much from it at the present time, but you note that ethnic minority staff are substantially overrepresented in grievance and disciplinary statistics. Have you had an opportunity to look at why that is the case, and at what the cases indicate thusfar, or is the statistical group so small that it is not statistically relevant?

[150] Secondly, I know from my meetings with the North Wales Fire and Rescue Service that it is keen to identify risk groups and to focus resources, particularly home safety resources, on those risk groups initially. You refer here to possible links between ethnicity and the risk of fire. What evidence is there to support that, if any?

[151] **Mr Myant:** On the disciplinary and grievance statistics, if you look in the report of the South Wales Fire and Rescue Service, you will see that you have a percentage of some 12 per cent for people from ethnic minority backgrounds appearing in the disciplinary system, whereas the percentage in the employed workforce is way below that. However, the number involved is just three, so, in any one year, you could have one or two cases and—boom—that would appear as a huge percentage. So, we will be saying to the authority, ‘You need to look at this over a number of years to make sure there is not consistent overrepresentation, and, if there is, understand why it is taking place; are there problems manifested among this particular group of your employees that do not need to be dealt with via discipline procedures because of some other problem?’. They are similarly overrepresented in the grievance procedure, so there may be an issue there that needs to be addressed. You would not want to hang too much on it when the cell sizes in the statistics are that small, but if all three fire services demonstrated a similar overrepresentation and it applied for more than a year, as a commission, we would clearly want to tell managers, ‘You need to look at that very carefully’.

[152] The link between ethnicity and fire risk is similar to that in a number of other areas of social experience, such as road traffic accidents. What limited research there is, either anecdotal evidence or limited statistical research, shows that there are sometimes quite dramatic differences in the experience of, say, children. Ethnic minority children are far more likely to be involved in road traffic accidents than others, and we do not yet really know why, because the monitoring systems have not been in place for long enough, and adequate research has not been done. The same is true of house fires. Some years ago, there were significant problems with some ethnic minority groups, who, for instance, were using paraffin stove heaters to dry their clothes inappropriately.

[153] One thing that comes strongly out of the risk management plans of the three services is the approach that they are increasingly taking to try to identify groups within the population that are at risk. They could be elderly people, people in particular types of housing, people with particular disabilities, or people from particular ethnic backgrounds, for whom language, cultural or even cooking habits could lead to a greater likelihood of things such as fat fires. We are interested in helping the fire services to understand the race equality dimension of the concept of particular groups being at risk, and then assisting them in understanding where and how those groups might be identified. The risk management plans say that, if there is a fire in a particular house in a particular locality, the fire prevention messages will be prioritised to similar domestic circumstances in a geographical area to try to get a strong hit with people in similar circumstances, to say to them, 'Look, that accident happened there; you need to pay attention to that'. There is a particular problem in doing that with regard to ethnicity in that, with the low numbers across Wales, the ONS does not disclose that information in a truthful way; it discloses in a modified way, so that you or I could not identify from its statistics that a particular person had put themselves as being of a certain ethnic group. So, we are looking at working with the ONS to enable the fire service to have a true picture of the ethnic distribution in low ethnicity areas, so that these kinds of messages can be given. Our anecdotal evidence suggests that there is a close relationship with a greater risk of fire for some ethnic groups, but we need to have better information in order to test that.

[154] **Janice Gregory:** I have a brief question. I am really pleased that the South Wales Fire and Rescue Service has engaged positively with this, by producing an annual report and publishing it on its website for anyone to access. I sense some disappointment that the other two authorities did not engage quite so completely. Going on from that, I note that the north Wales scheme was adopted in January this year, and that the mid and west Wales service provided a letter. Therefore, I believe that we can safely say that there does not seem to be a huge amount of engagement.

11.40 a.m.

[155] On the final part of your paper, on risk management plans on home safety issues, I see that South Wales Fire and Rescue Service has a section where it directly refers to that; it is noted in North Wales Fire and Rescue Service's plan. However, I do not see any reference to Mid and West Wales Fire and Rescue Service in that section. I do not know whether that is a typo or whether it has not responded.

[156] **Mr Myant:** I have read all three risk management plans, and I did not see a reference to the equality dimension in the mid and west Wales one—I may have missed it, but I did not see it—whereas there is a clear, separate section in the south Wales one. That provides us with an opportunity, as regulators and scrutineers, to go back to it, and say, ‘Okay, you have had that risk management plan in action for a year, so how has that particular equality dimension manifested itself; what have you done under that?’. With the other two, we have less opportunity for doing that. Therefore, we would like to see those references in there.

[157] However, it would be fair to say in respect of all three services that they are working together to develop the database on domestic fire circumstances and ethnicity. So, I did not want to suggest that no attention was given to it. As a regulator, unfortunately—and we must be careful about the kind of burden that we impose on organisations—we like to see these things brought out overtly, so that we have some kind of fulcrum around which we can attach our criticisms, our support, our advice, or our congratulations, to an organisation as to what they are doing.

[158] **Janice Gregory:** As I said at the beginning of the meeting, we have received a letter from the Minister in which she says that the National Assembly, given its statutory requirement, has to report progress against the framework, and this has been useful. I am sure that you know, Chris, that this committee never fails to raise issues about these matters with the Minister when she is here. So, undoubtedly, she has a flavour of how the committee feels, but if anyone wishes to raise any issues, I remind you again that we need to get that in to the Minister as soon as possible; you are more than welcome to do that through me as Chair.

[159] **Mr Myant:** May I say one more thing, Chair?

[160] **Janice Gregory:** Yes, of course.

[161] **Mr Myant:** For us, this is something of a model, if you like. I am not saying that the fire services are doing what they should, but it is a model in the way that we have been able to approach it. This is the last time that you will be able to get an annual report from the Commission for Racial Equality; in future, the commission for equality and human rights will be the body involved. Under section 12 of the Equality Act 2006, that organisation has a responsibility to audit progress regularly. Therefore, one thing that I hope we would be able to recommend to the CEHR—whatever successor Assembly committees consider this—is that a similar kind of process is undertaken, because it undoubtedly has an impact on organisations out there. So, thank you for inviting us.

[162] **Janice Gregory:** It is a pleasure. Claire is reminding me that we can put that suggestion into our legacy paper. Thank you for your attendance, Chris, as always.

[163] Do not forget that the next meeting is in Merthyr on 15 February. We will also do a tour of the Welsh Assembly Government offices in Merthyr. I am grateful to those who have replied to the invitation to visit the Pathways project; representatives of that project came to committee some time ago, and we said that we were keen to visit them. Therefore, as always, you are all welcome—you can change your mind if you have said no, and, if you are coming, that is great; I am sure that they will be delighted to see us.

[164] Thank you. I remind you that Plenary is at 12.30 p.m. today.

Daeth y cyfarfod i ben am 11.44 a.m.

The meeting ended at 11.44 a.m.