

Committee on Equality of Opportunity

Minutes

Date:	31 October 2001	
Time:	9.30 am	
Venue:	Committee Room 3, National Assembly Building	
Attendance:		
Members	Edwina Hart (Chair)	Gower
	Lorraine Barrett	Cardiff South and Penarth
	Ann Jones	Vale of Clwyd
	Helen Mary Jones	Llanelli
	David Melding	South Wales Central
	Jonathan Morgan	South Wales Central
	Janet Ryder	North Wales
	Owen John Thomas	South Wales Central
Advisers to the Committee	Mashuq Ally	Head of Commission for Racial Equality in Wales
	Will Bee	Disability Rights Commission
	Kate Bennett	Equal Opportunities Commission

Presenting to the Committee	Jonathan Lane	Head of the Home Office Race Legislation Unit
	Cherry Short	Commission for Racial Equality
	Bert Massie	Chair of the Disability Rights Commission
	Kevin Fitzpatrick	Disability Rights Commission
Officials	Peter Gregory	Head of Personnel, Management and Business Services Group
	Charles Willie	Head of the Equality Policy Unit
	Christine Morgan	Equality Policy Unit
	Margaret Jones	Equality Policy Unit
	Kevin Willoughby	Equality Policy Unit
	Elisabeth Jones	Office of the Counsel General
	Russell Keith	Committee Clerk
	James Owen	Deputy Committee Clerk

Item 1: Chair's Report

1. The Chair welcomed everyone to the meeting. Apologies were received from Christine Gwyther and Eleanor Burnham.
2. The Chair informed the Committee that the Minister for the Environment, Sue Essex, would be coming to the next Committee meeting on the 28 November to discuss the CADW report on Physical Access to Historic Buildings.
3. The Chair confirmed that issues regarding asylum seekers would be considered at the next meeting of the Committee in light of changes to the current system announced by the Home Secretary. The Chair also informed the Committee that:
 - The newly appointed Director of the National Asylum Support Service (NASS), Stacey Thornton, would be invited to speak to the Committee at the next meeting.
 - In response to inquiries, correspondence had been received from Jane Hutt, the Minister for

Health and Social Services stating that "asylum seekers have access to all prison healthcare facilities on the same basis as prisoners". The Minister also noted that she would be visiting Cardiff prison in November.

- The Clerk has written to stores that deal with vouchers in Wales and received responses from Lidl, Poundland and ASDA setting out the training given to staff in the handling of vouchers.

In discussion, the following points were raised:

- The Assembly had opposed the use of vouchers for asylum seekers and the implications of the Home Secretary's changes, such as the introduction of Identification Cards, would require further scrutiny.
 - Members of the Assembly Executive have been meeting with minority groups post-11 September and the Minister for Education, Jane Davidson, has written to all schools. It was agreed that the Assembly should be mindful of vulnerable people in these times.
4. The Chair informed the Committee that the issue of accessibility to polling stations for people with restricted ability would be discussed at the first meeting in the New Year. This follows the publication of a survey carried out by SCOPE on behalf of the Disability Rights Commission and feedback received from returning officers on the experience of the general election. The Committee agreed to invite the Welsh Local Government Association and a representative from the Commission on Electoral Arrangements to attend this session.
 5. The Chair updated the Committee on the work of the Assembly in implementing the McKenzie Report. A steering group of officials and the Assembly's trade unions has been established to oversee progress in implementing those recommendations which are not already in place. A Staff Deployment and Recruitment Strategy is currently being developed and it is planned that the framework of this strategy will be in place by January 2002 following formal consultation with Assembly staff and the Trade Union Side. The equality commissions, the Civil Service Commissioners and the Cabinet Office will also be consulted. A training programme for staff will be developed to support the strategy which is expected to be operational from April 2002. The Permanent Secretary will make a full report to the Committee early in the New Year. The following points were raised in discussion:
 - No difficulties are expected in the implementation of the report. Staff anxieties are being worked through by Personnel Division in consultation with the Trade Union Side.
 4. On 12 December, the Standards Committee will be considering the requirement under standing orders that members disclose whether they are members of the Freemasons. The Committee will be kept informed of the outcome of this meeting.
 5. The Chair undertook to write to the Education Minister expressing the Committee's concern over the short notice received on the launch of the Assembly's response to the Stephen Lawrence Inquiry. The launch could have served to raise the profile of the Committee in light of the work undertaken by the Committee on the inquiry.
 6. The Chair agreed to invite a Home Office Minister to meet informally with the Committee to facilitate the sharing of information about asylum seekers.

Item 2: Working Group on Equal Pay

Paper: EOC-07-01 (p.1)

1. The Chair introduced the paper which informs the Committee of the outcomes of the first meeting of the working group on equal pay. The paper presents a list of recommendations for consideration by the Committee, including an action plan and a press strategy.
2. In discussion the following points were raised:
 - The proposed budget of £28,000 for the press campaign was deemed to be on the conservative side. An increase in the proposed levels of funding, to around £50,000 would be necessary to ensure that the campaign had the resources required to produce information to a high standard.
 - The campaign for Equal Pay requires a named officer within the Assembly to co-ordinate the work of the Group.
 - The private sector should be more explicitly involved in the work of the Group. Wales TUC will consider how to involve representatives from private sector organisations in the work of the Group.
 - The Equal Opportunities Commission Wales is developing a 'pay tool' aimed at companies with less than 25 employees to ensure that Equal Pay can be implemented and monitored in smaller businesses in Wales.
 - Research into the Gender Pay Gap in Wales, commissioned by the Equal Opportunities Commission, is due to be launched publicly on the 20 November.
 - Local Government and Councillors should be involved in the work of the Group at the earliest possible stage. Partnership Council meetings were identified as an opportunity to involve local government in the work of the group.
1. The Committee gave their agreement in principle to the broad strategy of the action plan. The Chair agreed to respond to the issues at the next meeting. The Committee unanimously agreed to the appointment of David Melding as Chair of the Working Group.

Item 3: The Race Relations Amendment Act

1. Jonathan Lane, the Head of the Race Legislation Unit at the Home Office presented the item. The purpose of the unit is two-fold, to implement the Race Relations (Amendment) Act (RRAA) 2000 internally and externally and to implement Article 13 of the Race Directive.
2. The Committee was informed that the RRAA has extended the provisions of the 1976 Act in two primary ways:
 - The provision for anti-discrimination coverage has been extended in light of recommendation 11 of the Stephen Lawrence inquiry to include all public functions, including law and order. This provision came in to force on 2 April 2001.
 - The RRAA includes a general statutory duty to promote race equality through the elimination of race discrimination, the promotion of equal opportunities and the promotion of good race relations. This is a forward-looking aspect of the Act designed to enable public authorities to

prevent discrimination in the future. This general duty includes governmental departments, local authorities and non-departmental public bodies such as schools. The Assembly is also listed in this provision. All listed bodies are required to promote race equality through the application of specific duties listed in the Act.

1. There are also specific educational and employment duties listed in the Act. The employment duties complement the extension of the Act introducing monitoring systems which are applicable to all employers except for very small companies.
2. The following points were raised in discussion:
 - The educational duties listed in the Act were produced by officials from the Department for Education. The specific duties include all schools producing a written policy on race equality and monitoring members of staff's ethnicity.
 - Protocols for the communication of information to the Assembly were considered and it was felt that the Assembly could play an important role in the dissemination of information on the Act across Wales.
 - Small companies are exempt from the employment duty to monitor workforces because of the possibility of individuals being identified. The general duty to promote race equality would still apply to these companies as long as they are a public organisation.
 - The RRAA has attempted to avoid some of the problems of the 1976 Act by not defining public functions. It will ultimately rest with the judicial system to define, in individual cases, what constitutes a public function. This will also prevent the Act from dating.
 - Certain public bodies such as intelligence and security services and immigration bodies are exempt from the Act.
 - The Chair undertook to write to the Health and Education Committee's advising that the Commission for Racial Equality in Wales is willing to advise the subject Committee's on their specific duties for the implementation of the RRAA.

Item 4: Equality Training Strategy

Paper: EOC-07-01(p.2)

1. The Chair introduced the paper which informed the Committee of the proposals for the Assembly's Equality Training and Awareness Raising Strategy.
2. The following points were raised in discussion:
 - The strategy should include the requirement that Assembly Members receive equality training if they are involved in the appointments of expert advisors to Committee's. This is in addition to the requirement for Members involved in public appointments to undergo equality training.
 - The process of staff training is underway and the Permanent Secretary and the Director of Personnel, Management and Business Services have recently undergone such training. The Equality Policy Unit will inform the Committee on the numbers and grades of senior civil servants that have received equality training thus far.

1. The Chair undertook to write to all party business managers indicating the Committee's support for the paper and asking them to only appoint members to selection panels who have had equality training. The Chair will also identify means of introducing equality training for members in the letter.

Item 5: Commission for Racial Equality Annual Report

1. Dr Mashuq Ally, the Head of the Commission for Racial Equality (CRE) in Wales and Cherry Short the Commissioner for the CRE in Wales presented the report to the Committee. The CRE thanked the Assembly for its support and commitment during the past year.
2. The CRE aims to promote positive diversity through the commonwealth of communities that exists in the UK. The Commission plays a crucial role in working to eliminate discrimination and promoting racial equality in Wales. The CRE works in partnership with the Assembly, primarily through officials in the Equality Policy Unit (EPU), to assess the impact of policy and practices on minority groups in Wales. The Commission also works internally with EPU to produce an audit of the 57 divisions of the Assembly.

5.3 During the past year the CRE has worked in the following areas:

- Following the Stephen Lawrence Inquiry, all schools in Wales possess a copy of the CRE racial equality in schools strategy, 'Learning for All'.
- Promoting opportunities for more public appointments from black and ethnic minority communities.
- Working to promote an initiative for health and social care for elderly people in Wales.
- The Promotion of the Leadership Challenge, to encourage young people to follow positive examples of influential members of society.
- Investigating the work of the Police and the Criminal Prosecution Service to assess reasons for the growth of the black and ethnic minority prison population.
- Liaising with Local Government to ensure that cohesive working arrangements are in place to cover all communities in Wales.
- Developing private relations with organisations such as the Welsh Development Agency and developing partnerships with the voluntary sector.
- The Commission has worked with communities to raise awareness of the work that it undertakes. The Diversity Awards were used to achieve this aim.

5.4 The following points were raised in discussion:

- The establishment of the Equality Unit within the Welsh Local Government Association was a positive step forward.
- The CRE in Wales is monitoring the situation on the streets daily in light of the events of the 11 September. There has been a triple increase in cases of school bullying, abuse of women and children from the Muslim community in particular and Muslim places of worship attacked and threatened since the 11 September. The positive moves undertaken by the Chair and the First Minister of visiting community leaders were congratulated as demonstrating the support of the Assembly. The CRE has proposed to the Education Minister that workshops in schools be

established to bring the concerns of young people to the fore at this time.

- The administration is looking into the possibility of extra funding being made available for the protection and support of the Muslim community.
- There has been an increase in the number of discrimination cases in Wales because people's awareness of their rights has increased. The raising of awareness is an ongoing process which the CRE and the Race Equality Council undertake.

Item 6: Minutes of the previous meeting

Paper: EOC-06-01(min)

1. The minutes of the previous meeting were agreed. The next meeting of the Committee will be on Wednesday 28 November.

Item 7: Assembly Review of Procedure

Paper: EOC-07-01(p.5)

7.1 The Chair introduced the item in response to the Assembly Review of Procedure Group, which asked for Members comments on a proposal that the Committee on Equal Opportunities remit should include human rights.

7.2 The following points were raised in discussion:

- There is a danger that increasing the Committee's remit could blur its focus, especially as a different Minister has responsibility for human rights issues in the Assembly.
- Human rights are about complying with the law whereas equality of opportunity is about addressing the problems faced by disadvantaged groups. The Committee does not wish to be distracted from auditing policies which promote equality, to police the maintenance of individual rights.
- A cross party mechanism is required for ensuring that the Assembly's Human Rights obligations are met. The Legislation Committee may be best placed to fulfil this role.

3. The Committee agreed that its remit should not be expanded to include human rights.

Item 8: Travellers and Roma and Sinti people

Paper: EOC-07-01(p.3)

8.1 The Chair introduced the paper by highlighting the need for an integrated approach across the Assembly to address difficulties in providing services to meet the needs of Gypsy-Travellers.

8.2 The following points were made in discussion:

- The Committee agreed to undertake a substantial inquiry into the crosscutting issues which affect Gypsy-Travellers. Evidence of Best Practice will be collated from throughout Europe. The Chief Executive of the Irish Equality Authority, Niall Crowley, was identified as being a possible source of advice and expertise. The Committee would also seek evidence from external organisations throughout Wales.
- It is important to consult local residents so that the inquiry can represent their views as well as those of the travelling communities when collating information for the inquiry. Regional Committees could be used to gather information on a local basis.
- A specific strategy of inquiry will be needed because of the crosscutting aspects which require examination such as language and culture, education, employment, health and the role of Local Government. The strategy should also define the ethnicity of the various groups which exist under the heading of Gypsy-Travellers.
- The possibility of recruiting a special advisor and liaising with the Home Office for the inquiry was discussed.
- The Chair requested that the Committee undergo a briefing session with officials and the Cardiff liaison officer, Dr Clay, before the start of the inquiry. The Chair also requested that the Clerk prepare a note for the next meeting which outlines a purpose for the inquiry and includes a timetable for evidence sessions.

Item 9: Annual Report of the Disability Rights Commission

1. Bert Massie, the Chair of the Disability Rights Commission (DRC) and Dr Kevin Fitzpatrick, the DRC Commissioner for Wales, presented the report. The DRC thanked the Assembly for its support and commitment during the past year.

9.2 In the past year the DRC has established an office in Cardiff and has recruited around 150 staff nationally. The DRC offers practical help and support through a Helpline that took 65,000 calls in the first year and is expected to take 80,000 calls this year, 20% of all calls were from employers or service providers. Helpline staff have been trained in disability awareness and specialists have been recruited to advise in specific cases. The DRC's casework team helps people to resolve difficulties and disputes with employers or service providers. The team took 2,200 cases last year and managed to resolve around 60% of them. The DRC took 41 cases to court in the last year and is expecting to take around 70 to court this year. These cases are often test cases, which are used to flesh out existing legislation.

9.3 The DRC's role includes identifying inadequate policy areas. The passing of the Special Needs and Disability Act was a major breakthrough this year in this respect. The DRC has drafted two codes of practice to support the implementation of the Act which are currently out for consultation. In addition the DRC has revised the Code of Practice on access to goods and services in advance of regulations under the Disability Discrimination Act requiring providers to make reasonable physical adjustments. The Act will come into force in 2004. The emphasis on the code of practice is that every service should be accessible not necessarily every building.

9.4 The DRC in Wales has worked to promote the elimination of discrimination and to provide a support service to the people of Wales. Relationships with Assembly Members, Assembly officials and other Disability organisations in Wales, such as Disability Wales, have also been established in the last year. The DRC in Wales will continue to work towards providing a service which is available to all in Wales during the forthcoming year.

9.5 The following points were made in discussion:

- Monitoring procedures are being established which will breakdown the number of calls received between employment and the provision of goods and services. Currently these statistics are not available.
- The Committee was concerned that the DRC in Wales' bilingual service provision might be inadequate. It is important that the DRC meet the duties covered in the Welsh Language Act although the Committee accepted that the Commission needs to use its available resources effectively.
- Awareness in Wales of the work of the DRC needs to be raised because low proportions of calls come from Wales at present. Local disability organisations need to be involved in the work of the DRC in order to disseminate information through the local and regional press. The involvement of Assembly Members on a local level would be beneficial to the work of the DRC.
- The Chair undertook to write to the Chairs of Regional Committees suggesting that a speaker from the DRC attend a meeting to discuss the work of the organisation. Local interest groups could be invited to the meeting to inform them on the work of the DRC.

Item 10: Update on response to Disability Rights Task Force

Paper: EOC-07-01(p.4)

10.1 Kevin Willoughby from EPU introduced the paper which takes forward disability issues across all divisions of the Assembly. The commitment of the Assembly to best practice rather than simply complying with the task force's recommendations is underlined in the paper. The paper forms part of the DRC's five-year work plan to pull together services for disabled people in Wales.

10.2 The following points were raised in discussion:

- Concern was expressed over the mainstreaming of education. Integrated schooling is supported by the DRC although they recognise that this is not right for every child and there is a role for Special Schools and Centre's of Excellence.
- The paper will be sent to the Ministers for Health and Education for information and to request comments on how indicators on the quality of service provided by Assembly facilitated services can be introduced.
- The Chair requested an update on the Assembly's internal work at a future meeting of the Committee and an update in 12 months time on how the paper has been implemented by

external organisations and internal divisions of the Assembly. The Committee requested information on the work that the Assembly is undertaking in relation to its remit on Economic Development and disabled people who are economically inactive.

- The Chair undertook to write to the Education Minister concerning the individual educational needs of disabled children. The Committee was concerned that the resource demands of schools and education authorities are outweighing the individual needs of disabled children.

The meeting closed at 12.20