

## COMMITTEE ON EQUALITY OF OPPORTUNITY EOC-01-02(min)

### MINUTES

Date: 30 January 2002  
Time: 9.30 am  
Venue: Committee Room 3, National Assembly Building

#### Attendance:

Members	Edwina Hart (Chair)	Gower
	Eleanor Burnham	North Wales
	Christine Chapman	Cynon Valley
	Ann Jones	Vale of Clwyd
	Huw Lewis	Merthyr Tydfil and Rhymney
	Val Lloyd	Swansea East
	Helen Mary Jones	Llanelli
	David Melding	South Wales Central
	Janet Ryder	North Wales
	Owen John Thomas	South Wales Central
Advisers to the Committee	Mashuq Ally	Head of the Commission for Racial Equality in Wales
	Kate Bennett	Equal Opportunities Commission
Presenting to the Committee	Niall Crowley	Chief Executive of the Irish Equality Authority

Jonathan Booth                      Diversity and Equality Branch, Department of Trade and Industry

Roger Dennison                      Diversity and Equality Branch, Department of Trade and Industry

Officials

Julie Bragg                              Recruitment and Selection Team

Elisabeth Jones                      Office of the Counsel General

Laurie Pavelin                        Financial Accountability Division

Steve Phillips                        Financial Planning Division

Jon Shortridge                        Permanent Secretary

Vanessa Young                        Financial Planning Division

Howell Rees                            Committee Clerk

James Owen                            Deputy Committee Clerk

## Item 1: Chair's Report

Paper: EOC-01-02(p.1)

1. The Chair welcomed everyone to the meeting. Apologies were received from Peter Rogers, Lorraine Barrett and Will Bee.
2. The Chair introduced a written report that updated members on developments since the last meeting of the committee. Members raised concerns about the publication of a White Paper in February outlining changes to the asylum system. In particular the suitability of accommodation arrangements for asylum seekers in Wales was discussed. Members considered that it was important for local authorities and the Assembly to liaise to ensure that suitable accommodation was available to asylum seekers in Wales. The Chair undertook to keep the Committee up to date on any developments and on discussions with the Home Office.
3. The Chair updated the Committee on a number of other equality developments:
  - The International Day of the Disabled had been a success and officials were preparing an information pack for the young people who attended in conjunction with the Disability Rights Commission (DRC) and voluntary disability organisations. The Assembly had subsequently accepted the social model of disability and consideration

was being given to making the day an annual event. The Chair requested an update report in July on the issues raised at the event **(action point)**.

- The DRC Commissioner for Wales, Dr Kevin Fitzpatrick, had raised the possibility of the Assembly hosting an International Congress of Disabled Young People in the summer of 2003. The Chair undertook to keep the committee informed of progress on this development **(action point)**.
  - The Chair had met representatives from Wales TUC, the Confederation of British Industry (CBI), the DRC and Education and Learning Wales (ELWa) to discuss a project that will address dyslexia in the workplace. ELWa agreed to take the project forward and the Chair requested that the Equality Policy Unit keep the committee updated on any developments.
  - The Chair had met representatives from Wales TUC, the CBI, the Health and Safety Executive and the DRC to discuss employment prospects for disabled people, ways of reducing accidents in the workplace, workplace retention and rehabilitation.
  - The Chair undertook to provide the Committee with a note on progress of the DRC helpline for Welsh speakers **(action point)**.
1. David Melding, Chair of the Working Group on Equal Pay, updated the committee on progress. The Chair reported that the budget had been approved and an individual would be employed to accompany the display stand. The committee noted that the Office of the Counsel General (OCG) had advised that the campaign needed to have a Welsh focus. It was agreed that:
- Three events would be held simultaneously across Wales on 7 March 2002.
  - A motion would be debated in plenary on 7 March and the working group would advise the committee on the text.
  - The poster design, and all other visual materials produced, would be checked for clarity with the DRC.
  - Discussions would be held with partners, including local government and Assembly Sponsored Public Bodies, on their role in disseminating information.
  - The video would focus on young citizens and an approach would be made to ELWa and the Careers Service for their assistance.
  - The Chair undertook to approach the private sector to try and involve them in the campaign.
  - The display stand would be utilised in all major Welsh events and, if political parties agreed, at party conferences.

## **Item 2: McKenzie Report Action Plan**

Paper: EOC-01-02(p.2)

1. The Permanent Secretary, Jon Shortridge introduced the paper. The committee was informed that of the 43 recommendations made in the McKenzie report, 'Lifting Every

Voice', only two recommendations, which related to auditing of the other actions, were not yet in the process of being implemented or implemented already. A McKenzie Implementation Group was undertaking consultation with the Trade Union Side on the draft recruitment and deployment strategy and consultation with staff would begin from 1 February 2002.

2. The areas of the report that required the most consideration were the recommendations relating to open recruitment and appointment to posts rather than grades. Vacancies would be filled through open recruitment rather than internal promotion except in exceptional circumstances which the Permanent Secretary would account for. The principle of appointment to posts rather than grades would be implemented, taking into account that specific generic competencies need to be met. The quality of information that was produced by the Assembly in regard to recruitment would be improved following on from the last round of promotions.
3. Sanjiv Vedi, who would be working on the Assembly's outreach programme to ensure that the Assembly's workforce was representative of the people of Wales, was introduced to the committee.
4. The following points were raised in discussion:
  - The Chair said that assessment centres had not been part of the recommendations made by McKenzie. It was important that assessment centres, which would be used for testing generic competencies for grades, were independently equality proofed in discussion with the Equal Opportunities Commission (EOC), Commission for Racial Equality (CRE) and DRC (**action point**). The Permanent Secretary said that when appointments were made an informed method of assessing was required. Assessment centres would not employ psychometric testing; practical tests would be utilised instead. Candidates would enter the final stage of selection on an equal footing because no marks would be carried forward from the assessment centre.
  - Recommendations 7 and 9 of the McKenzie report, which advocated open recruitment and appointment to posts rather than grades, need to be taken forward as a priority. A clear commitment to the culture change necessary to achieve them was required.
  - Concerns were expressed about the lateral transfer of existing staff to vacant posts. Suitable applicants should be appointed to posts rather than lateral transfers. The Permanent Secretary said that lateral transfers were necessary to fulfil the Assembly's business needs and meet employees' personal development requirements. They were not the same thing as internal promotions and would not affect the number of posts subject to open recruitment. It was also critical to avoid the risk of staff redundancy. Paragraph 16 of annex C to the paper set out circumstances where staff would be posted without the post being advertised. Views from members were welcome and would be taken into account when the exceptions were reconsidered.
  - As a matter of good practice, it was important that feedback was given to unsuccessful external applicants. Feedback was particularly valuable to applicants from black and ethnic minorities. The Permanent Secretary agreed to re-examine this issue in light of members' concerns.
  - A breakdown of the average cost of £20,500 for a recruitment exercise for one post was requested (**action point**). The Permanent Secretary commented that this was an

indicative figure which varied depending on the nature of the post. It was agreed that a breakdown would be provided.

- Members requested information on the work being done to recruit more people from under-represented groups and change their perception of working for the Assembly. The Permanent Secretary said that the Assembly had work shadowing arrangements in place, particularly for ethnic minorities. The Chair requested a note explaining the Assembly's activities to reach out to and engage the interest of under represented groups **(action point)**.
  - Women and ethnic minorities were still under-represented in higher grades in the Assembly. It was agreed that a breakdown of the representation of women in the Senior Civil Service would be provided.
  - In response to a question the Permanent Secretary said he had received two sessions of equal opportunities training. A programme of one-day awareness raising sessions for all members of staff had commenced and specialist equal opportunities training was also available.
  - The Permanent Secretary assured the committee that he was completely committed to the implementation of the McKenzie report. The paper would be redrafted to take account of the concerns raised in committee and circulated to members before being issued to staff for consultation **(action point)**.
1. The Chair asked for the redrafted paper to be circulated to the committee before it was circulated to Assembly staff. The Chair said it would be necessary to consult the three statutory equality bodies on the use of assessment centres.

### **Item 3: Gypsy-Travellers Review**

Paper: EOC-01-02(p.3)

1. The Chair welcomed Niall Crowley, the Chief Executive of the Irish Equality Authority to the meeting. The Chief Executive outlined the work of the Equality Authority, which was established in 1999. The Authority was supported by a tribunal and had identified nine grounds on which discrimination was unlawful; gender, marital status, family status, age, disability, race, sexual orientation, religious belief and membership of the traveller community. These grounds were supported by two pieces of legislation, the Employment Equality Act (1998) and the Equal Status Act (2000). The Authority had a broad mandate that combined enforcement with development, which had helped to break new ground, particularly in relation to multi-ground discrimination. The work of the Authority had a crosscutting theme, with initiatives being developed to tackle discrimination across the nine grounds. The Authority has three primary objectives for the accommodation and promotion of diversity; to promote and defend established rights; to develop effective equality strategies; and to place equality at the heart of decision making.
2. The Chief Executive discussed with the committee the Equality Authority's experiences with the traveller community. The traveller community was the largest

minority group in Ireland and had specific needs, particularly in regard to the provision of goods and services and employment. Policy thinking on traveller issues had evolved in Ireland to a stage where services were being adapted to be relevant to traveller communities. A task force had facilitated this change in policy thinking through increased negotiation and dialogue between travellers, local authorities and the Government. Policy making in Ireland had reflected this change with legislation being created for accommodation, a health strategy and increased integration between travellers and institutions. However, there had been problems in the implementation of these policies and the Authority had political and economic goals which need to be taken forward.

3. The Chief Executive responded to the Committee's questions, making the following points:
  - The Authority has initiated a number of education provisions including encouraging members of the traveller community to work as classroom assistants, a home school liaison service, dedicated to the traveller community and additional inter-cultural training for teachers. These initiatives have been relatively successful at the primary educational level, which will enable future emphasis to be placed on progress at the secondary educational level.
  - The collection of data in Ireland was a problem, although government departments were working to bring statistics together.
  - A strategy has been developed to ensure that all partners are aware of their role in implementing traveller policies.
  - There were approximately 30,000 members of the traveller community in Ireland, which equates to less than 1% of the population.
  - A challenge for the Equality Authority concerns economic policy reflecting the cultural difference inherent in traditional traveller economies.
  - It was difficult to define gypsy-travellers and to do so may not be helpful. The Equal Status Act defined the traveller community as; 'the community of people who are commonly called travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland'.
  - It was important to open up channels of communication between traveller communities and the health service.
  - Problems associated with the provision of site accommodation have not been resolved in Ireland.
  - It was difficult to support the indigenous gypsy-traveller language.
  - It was important that policies were disseminated to local levels to ensure that implementation occurs on a needs basis.
2. The Chair thanked the Chief Executive for his contribution and introduced a paper outlining proposals for the committee's Gypsy-Traveller Review. The following points were made in discussion:
  - The Chair requested that the Clerk look into the committee travelling to Ireland on a

fact-finding visit at an early stage of the Review (**action point**). The Clerk should also examine possible locations for site visits for early on in the review.

- The revised terms of reference and the proposed timetable for the Review were agreed. The committee agreed that the appointment of an expert advisor would not necessitate paid adverts in newspapers and the proposals for the appointment were agreed with this caveat. The timeframe for the appointment of an expert advisor should be flexible enough to accommodate an extended review.

#### **Item 4: Procurement Policy Update**

Paper: EOC-01-02(p.4)

1. The Chair introduced the paper that outlined the progress made on securing equality of opportunity through the Assembly's procurement policy.
2. The following points were made in discussion:
  - The Assembly had developed a database which listed companies that had signed up to the Voluntary Code.
  - Companies that had signed up to the Voluntary Code would be informed of opportunities to bid for contracts when they arose.
  - Small companies did not require a specific written policy to sign up to the Voluntary Code.
  - All contracts over £1 million would be examined to ensure that the relevant principles of the Code were in place. The Assembly would react if companies that were signed up to the Code were not applying its principles. A sample of companies' practices would be examined for tenders between £100,000 and £1 million.
  - The Assembly was not in a position to provide direct support on the Code although advice on the implementation of the Code could be requested from the statutory equality bodies and there are links to their websites. The Code was drawn up in consultation with these equality organisations.
  - The Code would be amended to include discretionary grants in the future. The Code had been circulated to Assembly Sponsored Public Bodies (ASPBs). In time it is hoped to extend the database for it to be used by public bodies across Wales.
  - The Chair requested a report in six months on the number of ASPBs that have adopted the code and the progress made by Assembly divisions on extending the code to grant recipients (**action point**).

#### **Item 5: Remuneration of Public Appointees**

Paper: EOC-01-02(p.5)

1. The Chair introduced the paper noting that the issues raised would be passed on to the Cabinet for further consideration (**action point**).
2. The following points were made in discussion:

- The remuneration proposed for chairs of bodies such as the WDA did not recognise the level of responsibility involved and should be considered separately.
  - It was important to consider the number of days worked as well as the day rate
  - The chairs of NHS Trusts should be incorporated into a single remuneration band.
  - The daily level of remuneration should be reconsidered in line with the amount that could be earned by independent consultants.
  - The committee agreed that the proposals represented a significant improvement, especially in terms of transparency and consistency.
1. The Chair said that the Cabinet was content with the principles of the paper, although the issues raised by the committee would be considered further. The Chair requested that members put in writing any additional concerns with the policy.

## **Item 6: Race and Employment Directives**

1. The Chair welcomed Jonathan Booth and Roger Dennison from the Diversity and Equality Branch at the Department of Trade and Industry (DTI). The officials made a presentation on the consultation document 'Towards Equality and Diversity', which outlined the government's approach to implementing the European Employment and Race Directives. [A copy of the presentation is attached to these minutes at annex A.] [Click here to view the presentation]
  2. The Employment and Race Directives differed in scope and impact, against the background of existing UK equality legislation. New legislation would be created to outlaw discrimination at work on grounds of sexual orientation, religion and age. In addition some amendments, largely technical in nature, would need to be made to the Race Relations and Disability Discrimination Acts. Although different provisions had different timetables for implementation, the UK Government were committed to joining up the introduction of new legislation, where possible; and ensuring coherence between strands of legislation by using the same concepts and working where practicable.
  3. The DTI outlined options on some general issues, including:
    - The definitions of indirect discrimination and harassment.
    - The provision of advice, guidance and support for individuals and employers, particularly on the new grounds of sexual orientation, religion and age.
1. The DTI also reported on some key issues relevant to particular 'strands' which had been raised so far during the consultation exercise.
    - Religion and belief. On the basis of extensive informal consultations, the UK Government had proposed not to define "religion or belief" on the face of new legislation. The UK Government have recognised that guidance would need to be issued at an early stage and would develop in this area.
    - Sexual orientation. Debate so far had centred on a possible definition of "orientation",



the range of behaviours which would be outlawed under the proposed definitions of harassment and the implications of the Employment Directive for occupational pensions.

- Age. New legislation would need to be implemented by December 2006. In this initial phase of consultation, the Government was looking for examples of ways in which individuals were treated differently on grounds of age, and views as to whether such differences could be justified – or should be outlawed.

The consultation also covered issues concerning race and disability. This exercise, concluding at the end of March 2002, was the first in a series. The intention was to publish draft legislation in the autumn as the basis for further consultation.

1. The DTI clarified points raised by the committee:

- The document complied with the Welsh Language Act and copies of the consultation document were available in hard copy and on the Internet.
- The approach to consultation on age was less specific because this aspect of the Directive raised relatively technical and complex issues. Previous consultation had identified a need to involve a wide range of stakeholders in mapping these issues, before consulting on a set of proposals for implementation. Further consultation would take place in autumn 2002.
- The UK Government had signalled its belief that, in the longer term, there were arguments in favour of a single statutory commission offering integrated advice, guidance and support on equality matters. Views on this as part of the consultation would be welcome. The Cabinet Office are currently considering how best to take this forward.
- The UK Government took the view that pension rules, which restrict survivor benefits exclusively to married partners, would continue to be allowable under the Directive. The merits and disadvantages of changing this kind of practice, and pension rules more generally, lay outside the scope of this consultation.
- The Directives covered vocational training, but did not cover the provision of goods and services more generally. Nor did the consultation document include proposals to extend the scope of new legislation on sexual orientation, religion or age beyond employment. Barbara Roche MP had said in her foreword, "the Directives will not be the end of the road on Equality." But, "for the immediate future, implementing [the Directives] is a significant undertaking and [the Government] needs to allow time to get it right."
- The UK Government was engaging with its European partners at Ministerial and official levels about the implementation of the Directives and related developments.

1. The following points were raised in discussion:

- In contrast with existing UK legislation, the Directives applied to public and private institutions. It was therefore important that the private sector was prepared for their implementation.

- There would be problems in defining religions and possible discriminatory practices and values within some religions would require consideration.
  - Equality definitions, which currently exist in UK legislation, would need to be checked against definitions included in the Directives. The strongest one should be upheld.
  - The delivery of policy in regard to sexual orientation would be difficult without a comprehensive definition of the term.
  - The Government should consider the merits of extending new legislation to cover the provision of goods and services.
1. The Chair said that consideration of Assembly's response to the Race and Employment Directives should be scheduled for discussion at the next meeting of the Committee.

## **Item 7: Minutes of the previous meeting**

**Paper:** EOC-08-01(min)

7.1 The minutes of the previous meeting were agreed.

2. The Committee noted the paper on the Anti-Terrorism Crime Security Bill (EOC-01-02 (p.6)) and Summary of the scoping study on the Diversity Action Plan for Public Appointments (EOC-01-02(p.7))
3. Mashuq Ally informed the Committee that the specific duties outlined in the Race Relations (Amendment) Act included the provision for a Race Equality Scheme to be implemented in public bodies by 31 May 2002. This provision placed a duty on institutions to look at their functions and policies in respect of the Act. The Chair undertook to write to Cabinet colleagues and the Presiding Officer about the requirement to comply with the Race Relations (Amendment) Act (**action point**)

The meeting closed at 12.33pm