

Committee on Equality of Opportunity

MINUTES

Date: 25 October 2000

Time: 2.00pm

Venue: Committee Room 2, National Assembly Building

Attendance: **Members**

Edwina Hart (Chair)	Gower
Lorraine Barrett	Cardiff South and Penarth
Christine Chapman	Cynon Valley
Richard Edwards	Preseli Pembrokeshire
Alison Halford	Delyn
Gareth Jones	Conwy
Helen Mary Jones	Llanelli
David Melding	South Wales Central
Janet Ryder	North Wales

Advisers to the Committee

Kate Bennett	Equal Opportunities Commission
William Bee	Disability Rights Commission

Officials

Mike Harper	Equality and Public Administration Division
Charles Willie	Equality Policy Unit

Andrew George

Committee Clerk

Julie Bragg

Deputy Committee Clerk

Apologies were received from Glyn Davies.

Agenda Item 1: Public Appointments

Presentations: Dame Rennie Fritchie, Commissioner for Public Appointments and Wendy Morgan, Senior Personnel Officer, BBC Cymru Wales

Paper: EOC-07-00 (p.1)

1.1 The Chair welcomed all those present to the meeting and offered the Committee's condolences to Dame Rennie Fritchie on her recent bereavement. She introduced the first item by saying that the public appointments system should reflect the full diversity of people in Wales. At present, there was a perception that the system was not transparent; that it did not operate on the basis of merit; and that public appointees came from a narrow range of people.

1.2 Dame Rennie Fritchie informed the Committee about her role as the UK Commissioner for Public Appointments. Her role was to regulate, monitor, advise on and report on 12,500 public appointments in the UK. She was also the ombudsman for public appointments and dealt with complaints about the process or particular appointments.

1.3 She had three main aims:

- **to make the appointments system a fair and open process** - information should be easy to find and the application process should be smooth. Dame Rennie was keen to make the process as transparent as possible so that, at any time, an applicant would know what was happening and what timescales were involved in each part of the process. Independent assessors were intended to guarantee the fairness and openness of the process.
- **there should be a quality outcome to the process** - those appointed should be fit for the purpose and able to do the job with the appropriate support. Appointing organisations should put in place induction training, support training and arrangements for assessing and reporting on performance in post.
- **to improve public confidence and perception of the system** - Dame Rennie had commissioned MORI to survey current levels of knowledge and perceptions of the process. Focus groups had been held and then 1780 adults were interviewed. MORI then took account of aspects of diversity by carrying out an extra 138 interviews with representatives of various ethnic groups. The results of the survey revealed a poor public perception of public bodies and a lack of knowledge about

the public appointments system in general. More applicants might come forward if the profile of public service work could be raised.

1.4 Dame Rennie had initiated a public service week which would take place during the week of 20 November. This would recognise people who had done public service and thank them for their work. Activities would include a seminar to overcome barriers to applying for appointments; mock boards consisting of women and sixth formers; training on CV writing and interview techniques; and opportunities for shadowing. A Wales-specific event was also being arranged.

1.5 The Chair thanked Dame Rennie for her description of her role. She said that, in Wales, there needed to be greater confidence not only in the process but also in the independent assessors and the way in which they were appointed. There were wider citizenship issues and a need to develop structures to help people to develop.

1.6 In discussion, members raised the following points:

1. there was a need to train the independent assessors and all involved in the appointments process. It would also be useful to develop a system for the assessors to feed back their findings to the Commissioner. Dame Rennie said that feedback from independent assessors came in a variety of ways including their own notes on the process. Assessors were often human resource specialists, retired civil servants or candidates who had narrowly failed to be appointed to a public service post. The most important issues to consider in their appointment were fairness and quality. She was in the process of drafting guidelines on how they should work. She had met nearly all the assessors in England, Scotland and Northern Ireland and had provided training on equal opportunities and data protection for them. She reported she was developing guidelines for assessors and further training opportunities are planned. In Scotland and in N. Ireland 'banks' of assessors were being set up that were independent of the executive.
2. certain individuals appeared to hold many different appointments. A record should be kept of people with multiple appointments to see that they did not hold more than it was physically possible to fulfil. Dame Rennie said that she had asked her auditors to undertake a study of this issue. She was also encouraging government departments to record and register multiple appointment holders. The Nolan, now Neill, Committee had set out guidelines on standards in public life which covered the issue of multiple post holders. It did not fall within her remit to dictate how many posts someone could hold but to regulate what was done. She could, however, look at the total number of days someone was being asked to work and assess whether that was feasible. She could publish her findings and raise her concerns about the issues involved;
3. quality and diversity were inter-related. Dame Rennie agreed that this was true and particularly applied if a Chair saw their board in terms of their skills. Teams could be strengthened by finding the appropriately skilled person who might also fulfil the diversity aspect too;
4. it would be interesting to find out why people did not apply for public appointments as well as why they do. Dame Rennie felt that skilled questioning could elicit answers to both sides of the coin. There was also a need to identify what was in the minds of those marketing and advertising a post to see how the information given about a post attracted or discouraged applicants.

Remuneration could be an important issue for the self-employed or those who worked for a small company which could not afford to release them without recompense;

5. a different approach could be taken to public appointments by developing an 'approved list' of those who were potentially eligible but had some deficiencies, such as lack of finance or human resources experience. These deficiencies could then be addressed by providing appropriate training. The list could target specific communities so that talent could be developed. Dame Rennie commented that being on a list might smack of elitism to some who consequently might not wish to be on it. Such people might prefer to apply for specific posts. There was also a danger of having a long list of people who might have no real chance of being appointed;
6. Assembly Members who were members of panels making public appointments should also have equal opportunities training.

1.7 The Chair proposed to explore some of the issues Dame Rennie had raised in the Committee's review of public appointments. She was attracted by the idea of an independent group of assessors and a separate Commissioner for Wales. She asked officials to prepare a paper on this for the next Committee meeting, with reference to the Scottish system. She was also aware of the importance of payments if the aim was to secure diversity in public appointments. A separate report was being produced by the Assembly on remuneration of public appointments and she would report back on this at the next meeting. The Chair said that she would write to the Presiding Officer and party leaders on the issue of equality training for Assembly Members

1.8 Wendy Morgan was invited to outline the paper she had produced for the Committee about the public appointments system in Wales (EOC-07-00 p.1). Her terms of reference had been to advise on a programme of action to increase the numbers of women, people with disabilities and those from ethnic minorities applying for the 600 appointments made by the National Assembly to Welsh public bodies each year. These bodies would thus better reflect the communities they served.

1.9. The report described the current situation and made recommendations for further action under the headings of: defining the job; attracting candidates; recruiting candidates; retaining and developing people; and job evaluation and remuneration. It also outlined proposals for generating publicity for undertaking public appointments and for promoting public service as active citizenship.

1.10 The Chair thanked Mrs Morgan for her report. She wished to discuss the report in detail with the equality advisers before taking it forward, and she proposed that the Committee hold a separate meeting to consider it. She also asked officials to draw up a chart to illustrate, for each body, when, and at what level, Assembly Members were involved in appointments

Agenda Item 2: Chair's Report

Oral Item

2.1 The Chair reported that a partnership agreement had been drawn up between the Assembly and the

three equality bodies on an agreed annual programme of work. She undertook to continue discussions and to report back on progress at a future date.

Agenda Item 3: Stephen Lawrence Inquiry

Paper: EOC-07-00(p.2)

3.1 A meeting of the Members' steering group had taken place on 13 September and had been advised on progress with the working group. An action plan was being drawn up and the working group had met again on 18 October to discuss it. It consisted of three main areas: the curriculum, recording racist incidents and the role of ESTYN. A further meeting would be held towards the end of November. Unfortunately, the Chair of the working group was not present to provide a more detailed report.

3.2 Members of the steering group invited the Committee to consider the group's proposals that representatives of the teaching unions should be invited to participate in the working group and that a three strand approach to changing the curriculum should be implemented. This would consist of 'quick hits' involving minor changes to the curriculum; a focus on early years; and more complicated issues not as easy to address or where materials do not currently exist. The whole process involved a major change in attitude in order to internalise equality into all aspects of the curriculum. This might involve providing equality training for those training to be teachers and school governors. The steering group acknowledged that whole-scale changes could not be achieved overnight but would be pressing for a realistic timetable.

3.3 The Chair said that she was happy with the proposals made in the report and agreed that a meeting should be arranged with ACCAC and the new Minister for Education to emphasise the urgency of what was being proposed and to discuss the changes that were being developed by ACCAC.

Agenda Item 4: Language in Equal Opportunities

Presentation: Rhodri Williams, Chair and Rhys Dafis, Public and Voluntary Sectors, Welsh Language Board

Paper: EOC-07-00(p.3)

4.1 Rhodri Williams said language should be considered as an equality issue. He felt that this was compatible with Section 120 of the Government of Wales Act which made it incumbent on the Assembly to ensure equality for all the citizens of Wales. He had received correspondence from the Equal Opportunities Commission and the Commission for Racial Equality which had indicated that they were generally supportive of the principles set out in the Welsh Language Board's paper.

4.2 Eight specific proposals had been made in the paper which the Board were asking the Committee and the Assembly to support. They were also relevant to the many organisations in Wales which took their lead from the Assembly. The Board had advised all three equality bodies on language issues. It also had a role in setting an example for bodies it funded such as the Urdd National Eisteddfod, and Mudiad

Ysgolion Meithrin.

4.3 He had been very interested in the discussion on public appointments as the Welsh Language Board had recently appointed members to its board. They had achieved gender equality and also had a representative of an ethnic minority. The constitution of the board indicated that the organisation was committed to equality in its broadest sense.

4.4 Members felt there was a case to consider certain aspects of Welsh language policy in the Committee's activities but the Board would also have an interest in the work of other committees. For example, it had recently advised the Assembly's Minister for Health on the provision of services for Welsh speaking patients. However, it was clear that the Board's everyday work would relate to the Culture and Sports Committee. The Assembly was currently carrying out a five-yearly review of the Board as a body and a review of language policy generally.

4.5 The Chair said that the WLB paper raised issues wider than equality in language. She would be interested to see how the Culture and Sports Committee saw the Assembly's role in relation to these issues. She also proposed to consider the issues raised by the Board's presentation in the Committee's consideration of public appointments. In response to a query about the costs of Assembly Members replying to correspondence received in Welsh, the Chair undertook to write to the House Committee.

Agenda Item 5: Voluntary Code of Practice on Sexuality

Presentation: Angela Mason, Executive Director, Stonewall

5.1 The Chair welcomed Angela Mason who had made a presentation to the Committee in June at which she had mentioned that Stonewall was involved in drawing up a Voluntary Code of Practice on Sexuality. The Committee had invited her back to provide more information on the Code. Ms Mason reported that Stonewall had since held two consultative meetings in Cardiff and St Asaph and had decided to establish a Stonewall Cymru Forum to set the Stonewall agenda in Wales. She hoped that a co-ordinator would be in post in the New Year. The Chair proposed to offer them an open invitation to advise the Committee on sexual orientation issues.

5.2 Events regarding the Voluntary Code of Practice had been affected by the Employment Framework Directive which had been agreed in Luxembourg the previous week by all EU members. This covered discrimination on the basis of gender, disability, racial origin, religion and sexual orientation and would have an impact on the future treatment of all forms of discrimination.

5.3 As a result of this major step forward, the Department for Education and Employment (DfEE) had decided not to issue any guidance at the moment. A decision would have to be made on what sort of domestic legislation to implement, and when. The framework for equality legislation was a major issue. Whilst some would like to work towards an Equalities Act, the Disability Rights Commission had only recently been established and the equality bodies were not used to working together. An Order in Council could implement the Directive immediately in the UK regarding sexual orientation but there

was no body in place to oversee lesbian and gay issues. Kate Bennett commented that a recent Employment Appeals Tribunal decision in Scotland seemed to imply that sexual orientation discrimination came under current equality legislation and could give the Equal Opportunities Commission responsibility for advising individuals in this area even though it had not had a statutory obligation to do so until now. However, as the Commission was able to help only 1% of those currently making complaints on the grounds of gender, it was difficult to see how advice on sexual orientation could be provided without additional resources.

5.4 Studies had been undertaken on the key discrimination issues in employment. Stonewall's *Less Equal than Others* report had identified that 16% of lesbians and gay men had experienced discrimination and 48% harassment. Much depended on whether you were 'out' at work and two-thirds concealed their sexuality one way or another. A TUC study, *Straight up! Why the Law should Protect Lesbian and Gay Workers* had produced similar findings, identifying significant levels of name-calling and homophobic abuse.

5.5 The Voluntary Code of Practice on Sexuality had been compiled by the CBI, TUC, the Federation of Small Businesses and Stonewall. The aim had been to keep the guidance it contained simple. Some enlightened private sector employers had realised that human capital was increasingly important in maintaining their competitive edge and had recruited from the lesbian and gay community to increase the diversity and creativity of their workforce. As the providers of public services, public sector employers needed to reflect the communities they served.

5.6 The draft Code consisted of four steps:

1. **Building diversity and respect** by respecting the individuality of your staff and consulting them on inclusive policies;
2. **Recruiting fairly and openly** and respecting the confidentiality of individuals. This included monitoring behaviour and having effective harassment and grievance policies in place;
3. **Dealing with bullying and harassment**. All sorts of remarks and behaviour were still tolerated and it was important to draw the line on what was and was not allowed;
4. **Work-related benefits**. The Directive did not apply to this issue although some companies were willing to consider extending benefits such as pension schemes to cover provision for same sex partners in order to secure the best talent. The public sector was not currently making such provision and the main issue appeared to be cost.

5.7 Ms Mason said that there was scope for many of these issues to be taken forward in Wales. It was important that Wales contributed to discussions on how the legislation should be implemented and what guidance should be produced. It would be useful to conduct a survey of Welsh employers to identify the issues and blockages for them and perhaps to develop some Wales-specific guidance. The Chair agreed that these matters could be taken up with Westminster and proposed to write to the DfEE to ask what could be done and to enquire about the timing of the implementation of the directive and the Code of Conduct. She asked officials to obtain a copy of the Employment Appeals Tribunal decision and to

advise on the responsibilities of the Equal Opportunities Commission.

Agenda Item 6: Minutes of the previous meeting

Paper: EOC-06-00(min)

6.1 Members agreed the minutes of the last meeting.

6.2 It was agreed that the SENSE paper on Supporting Deaf-blind People in Wales (EOC007-00(p.5)), which had been a paper to note, could be discussed at a future meeting. Officials were asked to produce a note on the voting arrangements for deaf-blind people. This could include information on equal opportunities audits which had been raised at a recent Partnership Council meeting.

6.3 The Chair proposed to report back at the next meeting on her forthcoming meeting with the Chair of the Wales Local Government Association.

6.4 The meeting closed at 16.50pm.